

BLACKWATER'S YOUNGEST VICTIM • JEREMY SCAHILL

THE Nation.

HOW TO GET OUR DEMOCRACY BACK

LAWRENCE
LESSIG

FEBRUARY 22, 2010
TheNation.com



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

PUT YOUR MONEY WHERE YOUR MOUTH IS.

APPLY FOR
THE NATION
VISA PLATINUM
REWARDS CARD TODAY

THE
Nation.

Now more than ever, *The Nation* needs you. Demonstrate your support with *The Nation* Visa Platinum Rewards Card. Every purchase provides much-needed funding for America's oldest weekly magazine. For a 0% introductory APR, no annual fee and Visa Platinum services, become a card-carrying member. A grateful *Nation* thanks you.



APPLY NOW AT
WWW.THENATION.COM/CREDITCARD

Letters

'Criminal Theft' From You and Me

SKOKIE, ILL.

As a former Social Security Administration employee, I was thrilled to see William Greider's "Looting Social Security" [Jan. 25]. The massive surplus figures are readily available, but the mainstream media seem unable to find them. I would only quarrel with the tendency to define Social Security as an entitlement. It's the Federal Insurance Contribution Act (FICA)—an insurance program paid out of wages. Benefits are distributed according to the amount paid in and years worked.

A looting issue Greider didn't address is the outright criminal theft from lower- and middle-class workers. Social Security is a flat tax, so deductions begin with the first dollar of wages each year. Deductions continue up to a ceiling. In 1981, when Ronald Reagan became president, that ceiling was \$29,700. When Reagan left office it was \$48,000. Today it is slightly over \$100,000. When that ceiling is reached, which happens only to the richest Americans, it's like receiving a huge tax cut. The exception is Medicare, for which there is no wage ceiling. That deduction is about 1.5 percent plus a matching amount from the employer. Healthcare for our oldest, sickest, neediest citizens costs 3 percent in the public sector. For the younger, healthier segments of society, it is 17 percent of GDP.

Under Reagan the percentage of deductions increased by 25 percent. In effect, there was a 55 percent tax increase on lower- and middle-class workers. That is the largest tax increase in history and the largest redistribution of wealth upward. The mainstream media missed that one too.

The final turn of the knife is the interest paid on the bonds bought by surplus Social Security contributions. Reagan used the bond money to conceal the costs of tax cuts for the wealthy and a massive military buildup to spend the Soviet Union into the Stone Age. Since nothing substantial or revenue-generating was acquired with the funds, that interest plus the principal must be paid back out of current income taxes.

letters@thenation.com



Part of a worker's income taxes goes to replacing his own previous Social Security contributions.

HAROLD TAGGART

Greider Replies

WASHINGTON, D.C.

Targeting Social Security to cover the deficits caused by bailing out Wall Street and fighting two wars at once is a great injustice that will not prevail if people awaken to the threat. Both political parties collaborated back in 1983 to produce this huge and regressive tax increase on working people. The media remained silent because it was done by a "bipartisan commission" chaired by Alan Greenspan. Does that sound familiar? Barack Obama and the governing elites in both parties are contemplating a repeat performance. Ronald Reagan was famously against tax increases of any kind, but his budget director, David Stockman, talked him into supporting this one by assuring the Gipper that if the payroll tax was increased by 25 percent, it would turn people against Social Security and eventually destroy the system.

WILLIAM GREIDER

A Warm and Fuzzy Hamas?

JERUSALEM

Regularly, experts and journalists use their magnifying glass to search for any change in Hamas's position toward Israel and the peace process. Fawaz Gerges does just that. He writes, "Although low-key and restrained, those shifts indicate that the movement is searching for a formula that addresses the concerns of Western powers yet avoids alienating its social base." He curiously quotes the well-known interviews of several Hamas leaders announcing that they would be willing to accept a Palestinian state in the West Bank, East Jerusalem and Gaza but forgets to mention that they *all* added that their movement

(continued on page 26)

Bring on the Filibuster

Dear Senator Reid,

You have defended the filibuster in the past, but your duty as Senate majority leader at the present moment is to restore

majority rule. Right now, the Senate operates under a supermajority rule that the founders never intended and that has no precedent in the way the Senate used to operate. The problem is not the old-fashioned “talking filibuster” but the absence of the filibuster: it’s the need to find sixty votes to cut off debate even when there is no debate to cut off. In the old days, up to the 1970s, the filibuster was so time-consuming and conspicuous the Senate could accommodate only a handful per session, and even these sometimes failed to hold off a majority vote. The filibuster that Mr. Smith undertook in the Frank Capra movie was aimed at rallying the country behind him. He wanted the rest of us to pay attention. But that’s the last thing the Republicans use the filibuster for now. They use it to silence debate. So bills are strangled to death with no debate, not even a muffled cry, over and over.

After just a year of these “procedural” or “ghost” filibusters, the Obama presidency is in jeopardy. Although the Democrats have a landslide number of senators, one might think from the media that they are in the minority. The president even talked in his State of the Union address as if the Republicans were in charge. Certainly we should reform Senate Rule 22, which requires sixty votes to cut off debate, as Senator Tom Harkin has proposed. But the failure of nerve at the moment is not so much the failure to change Senate Rule 22 but the failure to make the Republicans debate at all.

Indeed, we are unlikely to succeed in changing Rule 22 unless you call the minority’s bluff. The way to end the virtual filibuster is to start forcing a real one, to take place in real time, with hour after hour of senators really talking. The only

way to delegitimize the filibuster is to let the minority do it—let them do it over and over. Let them do it for trivial things. Let the country see the absurdity to which the procedural filibuster leads.

It would be wise to begin not with the most visible measures that senators have threatened to filibuster but with the least. Let’s start with appointments to the Justice Department or even Homeland Security. In the middle of the worst economic crisis since the Great Depression, at least four Treasury nominees are on procedural hold.

No one believes you have the nerve to force a filibuster over such routine matters—even if the government ends up not being staffed. But that’s exactly why you should do it: let the other side shut down the Senate for weeks over the appointment of a John or Jane Doe. Let the country meet John or Jane Doe and then try to figure out why we need to put public business on hold while we have an endless debate over this person. Don’t let the other side talk you into structuring the debate on a “dual” track: do it by Robert’s Rules and have the Senate debate just this, until the other side is ready to stop. Only by concentrating on the small things can you break the back of the filibuster-as-threat. Once broken in the smaller battles, it will lose its acceptability for the big ones.

As a practical matter, there isn’t space on a Senate calendar to have filibuster after filibuster without shutting down if not the entire government then at least Congress. Let Republicans explain to the country, one filibuster at a time, why it is so necessary to shut down Congress, especially when it’s to keep a midlevel Mr. or Ms. X out of a job.

When the country has had enough,

EDITORIAL



Page 31: Scalia v. The World

Inside

2 Letters

Editorials & Comment

3 Bring on the Filibuster

THOMAS GEOGHEGAN AND THE EDITORS

4 Howard Zinn, 1922–2010

5 Noted

6 Zinn’s Critical History

ERIC FONER

6 Blair: Shaken, Not Sorry

D.D. GUTTENPLAN

Columns

6 Deadline Poet

Blackwater, Again

CALVIN TRILLIN

9 Beat the Devil

The Bogus Crime Wave

ALEXANDER COCKBURN

10 Subject to Debate

Focus on the Fetus

KATHA POLLITT

Articles

11 How to Get Our Democracy Back

There will be no change until we change Congress.

LAWRENCE LESSIG

20 Blackwater’s Youngest Victim

Ali Kinani, 9, was killed in Nisour Square.

His father seeks justice through the courts.

JEREMY SCAHILL

Books & the Arts

27 DICKSTEIN: Dancing in the Dark: A Cultural History of the Great Depression

D.D. GUTTENPLAN

30 The Smallest (POEM)

JAMES SCHUYLER

31 BISKUPIC: American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia

TELES: The Rise of the Conservative Legal Movement

MICHAEL O’DONNELL

34 FILMS: The Red Riding Trilogy • Edge of Darkness

STUART KLAUWANS

COVER ART BY STEVE BRODNER, DESIGN BY GENE CASE & STEPHEN KLING/AVENGING ANGELS

VOLUME 290, NUMBER 7, FEBRUARY 22, 2010
PRINTED FEBRUARY 3

The Nation.

EDITOR & PUBLISHER: Katrina vanden Heuvel

PRESIDENT: Teresa Stack

MANAGING EDITOR: Roane Carey

LITERARY EDITOR: John Palattella

EXECUTIVE EDITOR: Betsy Reed

SENIOR EDITORS: Richard Lingeman (*on leave*), Richard Kim

WEB EDITOR: Emily Douglas

COPY CHIEF: Judith Long

ASSISTANT LITERARY EDITOR: Miriam Markowitz

COPY EDITOR: Mark Sorkin

ASSISTANT COPY EDITOR: Dave Baker

COPY ASSOCIATE: Lisa Vandepaer

ASSISTANT TO THE EDITOR: Peggy Suttle

INTERNS: Morgan Ashenfelter, Allison Deger, Frederick Deknatel, Chantal Flores, Nicholas Kusnetz, Clarissa A. León, Timothy MacBain, Kate Murphy, Lauren North (*Washington*), Erin Schumaker

WASHINGTON: **EDITOR:** Christopher Hayes; **CORRESPONDENT:** John Nichols

NATIONAL AFFAIRS CORRESPONDENT: William Greider

COLUMNISTS: Eric Alterman, Alexander Cockburn, Naomi Klein, Katha Pollitt, Patricia J. Williams, Gary Younge

DEPARTMENTS: *Architecture*, Jane Holtz Kay; *Art*, Barry Schwabsky; *Corporations*, Robert Sherrill; *Defense*, Michael T. Klare; *Environment*, Mark Hertsgaard; *Films*, Stuart Klawans; *Legal Affairs*, David Cole; *Net Movement*, Ari Melber; *Peace and Disarmament*, Jonathan Schell; *Poetry*, Peter Gizzi; *Sex*, JoAnn Wypijewski; *Sports*, Dave Zirin; *United Nations*, Barbara Crossette; *Deadline Poet*, Calvin Trillin

CONTRIBUTING EDITORS: Kai Bird, Robert L. Borosage, Stephen F. Cohen, Marc Cooper, Arthur C. Danto, Mike Davis, Slavenka Drakulic, Robert Dreyfuss, Susan Faludi, Thomas Ferguson, Doug Henwood, Max Holland, Michael Moore, Christian Parenti, Richard Pollak, Joel Rogers, Karen Rothmyer, Robert Scheer, Herman Schwartz, Bruce Shapiro, Edward Sorel, Gore Vidal, Jon Wiener, Amy Wilentz, Art Winslow

CONTRIBUTING WRITERS: Ari Berman, Lakshmi Chaudhry, William Deresiewicz, Liza Featherstone, Bob Moser, Eyal Press, Scott Sherman

BUREAUS: *London*, Maria Margaronis, D.D. Guttenplan; *Southern Africa*, Mark Gevisser

EDITORIAL BOARD: Deepak Bhargava, Norman Birnbaum, Barbara Ehrenreich, Richard Falk, Frances FitzGerald, Eric Foner, Philip Green, Lani Guinier, Tom Hayden, Tony Kushner, Elinor Langer, Deborah W. Meier, Toni Morrison, Walter Mosley, Tony Navasky, Pedro Antonio Noguera, Richard Parker, Michael Pertschuk, Elizabeth Pochoda, Marcus G. Raskin, Kristina Rizga, Andrea Batista Schlesinger, David Weir, Roger Wilkins

ASSOCIATE PUBLISHER, SPECIAL PROJECTS/WEBSITE: Peter Rothberg

ASSOCIATE PUBLISHER, DEVELOPMENT/ASSOCIATES: Peggy Randall

VICE PRESIDENT, ADVERTISING: Ellen Bollinger

ADVERTISING MANAGER: Amanda Hale

VICE PRESIDENT, CIRCULATION: Arthur Stupar

CIRCULATION MANAGER: Michelle O'Keefe

CIRCULATION FULFILLMENT MANAGER: Katelyn Belyus

PRODUCTION DIRECTOR: Omar Rubio

TYPOGRAPHER/WEB PRODUCER: Sandy McCroskey

PRODUCTION MANAGER: Timothy Don

NATION ASSOCIATES MANAGER: Joliange Wright

PUBLICITY AND SYNDICATION DIRECTOR: Ben Wyskida

EDUCATION/COMMUNICATIONS COORDINATOR: Habiba Alcindor

DIRECTOR OF DIGITAL PRODUCTS: Kellye Rogers

WEB PRODUCER: Joshua Leeman

TECHNOLOGY MANAGER: Jason Brown

CONTROLLER: Mary van Valkenburg

ASSISTANT TO VICTOR NAVASKY: Mary Taylor Schilling

DATA ENTRY/MAIL COORDINATOR: John Holtz

ASSISTANT TO THE PRESIDENT: Kathleen Thomas

RECEPTIONIST/BUSINESS ASSISTANT: Elizabeth Berniak

ADVERTISING ASSISTANT: Kit Gross

CLERK: Shavonne Frazier

ACADEMIC LIAISON: Charles Bittner

PUBLISHER EMERITUS: Victor Navasky

LETTERS TO THE EDITOR: E-mail to letters@thenation.com (300-word limit). Letters are subject to editing for reasons of space and clarity.

SUBMISSIONS: Queries only, no manuscripts. Go to www.thenation.com and click on "about," then "submissions" for a query form. Queries may be mailed to The Nation, 33 Irving Place, New York, NY 10003. SASE for poems.

INTERNET: Selections from the current issue become available Thursday night at www.thenation.com.

♻️ Printed on 100% recycled 40% post-consumer acid- and chlorine-free paper, in the USA.

bring forward Senator Harkin's proposal to change Rule 22: since it's not technically a rule change but a bill, the proposal presumably avoids the need to wait until the beginning of the next Senate term. The Harkin bill would require a series of staged votes to cut off a filibuster: the first motion for cloture would take sixty votes, then fifty-seven, then fifty-four and finally a simple majority—so if a bill survives debate, it can become law.

Yes, laws should not be passed lightly. But the best check is a majority, not a supermajority, vote. In fact, contrary to the claims of its defenders, supermajority rule fosters greater risk, not prudence. For if it takes a supermajority to put in a law, it will take a supermajority to get it out. To enact any law under such circumstances means it will be much harder to remove bad ones.

But before we can end supermajority rule, the groundwork has to be laid. First we must demonstrate the irresponsibility of the filibuster. That is your responsibility. Senator Harkin has stepped forward. So has Senator Udall.

Let the filibuster be the filibuster. If it is an obstructionist tactic, let it obstruct. If the Republicans want to shut down the presidency, make them shut down the Senate. If you take on this battle, you will have the country behind you. For the majority of Americans—yes, even Mr. Smith—want the government to work.

THOMAS GEOGHEGAN AND THE EDITORS

Howard Zinn, 1922–2010

Tasked with assessing the young administration of a young Democratic president in these pages, radical historian Howard Zinn began, "My object is not to denounce, but to clarify. It is important for American citizens to know exactly how far they can depend on the national government, and how much remains for them to do.... This government simply cannot be depended upon for vigorous initiatives. It will, however, respond to popular indignation and pressure."

The year was 1962, and the president was John F. Kennedy. Earlier that fall the Kennedy administration had dispatched federal troops to Oxford, Mississippi, to quell riots that erupted after the first African-American student, James Meredith, enrolled at the University of Mississippi. At the time many liberals portrayed the Kennedys as heroic allies of the civil rights movement; Zinn observed a more complicated dynamic. He believed, correctly, that the government would move to desegregate the South only in "cases of extreme and admitted defiance of federal authority." Zinn argued, again correctly, that this limit to federal action was not primarily a legal matter but a political one, a matter of perception. A "less timorous" administration, he wrote, "could find solid legal sanction" for more assertive action if it were pushed to do so—by the people. And so, in that article, among the earliest Zinn published in *The Nation*, he wrote to the people, for the people: "My intention is...to light a flame under the rest of us."

And that is exactly what Howard Zinn did—in the dozens of books he wrote and edited, in the hundreds of speeches he gave, in his teaching and activism and, later in life, in his role as the muse of history and politics for a new generation of freethinkers and organizers. Over the past fifty years, *The Nation* published

Noted.

WHAT WOULD REHNQUIST DO? The Supreme Court's gift of constitutionally protected political speech to paper entities in the **Citizens United** case would have elicited a vigorous dissent from the late Chief Justice **William Rehnquist** for a simple and compelling reason: he was a conservative. As a conservative, he would have agreed with dissenting Justice **John Paul Stevens** that the decision "represents a radical change in the law." This is clear from Rehnquist's mostly forgotten dissent in a 1978 case, *First National Bank of Boston v. Bellotti*.

The issue in *Bellotti* was whether a Massachusetts criminal statute prohibiting spending by banks and businesses to influence voting on referendum proposals violated the First Amendment. In a 5-to-4 ruling, the Court held that the bank indeed had freedom of speech and that it had been violated.

The opinion was written by Justice **Lewis Powell**, who found support in *Santa Clara County v. Southern Pacific Railroad*. In that infamous 1886 case, Chief Justice **Morrison Waite** announced, "The Court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution which forbids a state to deny any person within its jurisdiction the equal protection of the laws applies to these corporations. We are all of the opinion that it does." Ratified only eighteen years earlier, the amendment defines a citizen as a person "born" or "naturalized" in the United States. That's why *Santa Clara* was ultimately judicial activism. Yet putative conservatives who regularly denounce *Roe v. Wade* reliably ignore it.

In his *Bellotti* dissent, Rehnquist noted approvingly that Congress and thirty-one state legislatures "have concluded that restrictions upon the political activity of business corporations are both politically desirable and constitutionally permissible." He went on to warn, "It might reasonably be concluded that those properties [of corporations], so beneficial in the economic sphere, pose special dangers in the political sphere."

Rehnquist's warning was conservative; the Powell majority's brushoff was radical.

The issue in *Bellotti* is closely related to that which Justice **Anthony Kennedy**'s majority contrived to address in *Citizens United*: whether paper entities have, in Rehnquist's words, "a constitutionally protected liberty to engage in political activities." He would have judged the dissenters, routinely described as liberals, to be conservatives. **MORTON MINTZ**

OBAMA'S NEUTRALITY: Few fights in Washington will define the way we communicate and participate in democracy better than the current wrangling over net neutrality. The Federal Communications Commission is developing rules that, if crafted correctly, will guarantee that the Internet remains what Columbia Law School professor and Free Press chair **Tim Wu** describes as "a maximally useful public information network [that] aspires to treat all content, sites and platforms equally."

In 2008 candidate **Barack Obama** and most leading Democrats got it, endorsing net neutrality as the First Amendment of the Internet. Now, however, the nation's largest and most influential telecommunications companies have been aggressively, and in some cases effectively, lobbying to weaken the resolve of Democratic members of Congress and Obama's appointees.

Obama pushed back in a February 1 YouTube interview in which citizens submitted questions and then voted on the ones they wanted him to answer. "I'm a big believer in net neutrality," he declared. "I campaigned on this. I continue to be a strong supporter of it. My FCC chairman, **Julius Genachowski**, has indicated that he shares the view that we've got to keep the Internet open, that we don't want to create a bunch of gateways that prevent somebody who doesn't have a lot of money but has a good idea from being able to start their next YouTube or their next Google on the Internet."

Obama didn't stop there. "This is something we're committed to," said the president. "We're getting pushback, obviously, from some of the bigger carriers who would like to be able to charge more fees and extract more money from wealthier customers. But we think that runs counter to the whole spirit of openness that has made the Internet such a powerful engine for not

only economic growth but also for the generation of ideas and creativity."

JOHN NICHOLS

BACK TO DAMASCUS? Washington has nominated **Robert Ford**, a career Foreign Service officer, as its ambassador to Syria, a post that has been vacant since the United States withdrew its envoy in 2005 to protest alleged Syrian involvement in the assassination of former Lebanese Prime Minister **Rafik Hariri**. (Syria denied any involvement.)

Ford, currently deputy ambassador to Iraq, was ambassador to Algeria from 2006 to 2008. He ran a **Coalition Provisional Authority** office in Najaf in 2003, and from 2004 to 2006 he was a political officer at the US Embassy in Baghdad, where he helped draft Iraq's new Constitution, establish the transitional government and oversee elections in 2005.

The appointment of a career officer who speaks Arabic represents a shift for Obama, who has often chosen well-heeled friends and contributors for ambassadorial posts. According to the **Center for Responsive Politics**, as of November twenty-four nominees were high-profile campaign "bundlers" who corralled more than \$10 million for Obama. About half of all ninety-nine nominees either donated to Obama, other Democratic candidates or the Democratic Party.

Sending Ford to Damascus is part of the administration's effort to back up Obama's fleeting Cairo oratory. The London-based Arabic daily **Al-Sharq Al-Awsat** quoted an unnamed American official saying, "Washington wants to help in launching direct peace negotiations between Syria and Israel in the next few months." But **Joshua Landis**, a regional expert who runs the popular **Syria Comment** blog, is not so sure. "The Syrians I have spoken to are skeptical that [negotiations] can lead to anything but frustration," he said. "Netanyahu is not giving any ground to the Palestinians and there's no reason to expect him to give ground to the Syrians."

Reopening the ambassador's residence is a step, not a solution. After all, last year Obama renewed harsh economic sanctions on Syria that were imposed by **George W. Bush**. And Syria holds the dubious distinction of being Washington's oldest designated state sponsor of terrorism—since 1979. **FREDERICK DEKNATEL**

Zinn on a number of subjects: from his early dispatches from Atlanta's Spelman College (for example, "Finishing School for Pickets," August 6, 1960), where he taught history and advised and sheltered civil rights protesters, to his incisive and passionate articles against US wars in Vietnam, Afghanistan and Iraq (for example, "Vietnam: The Logic of Withdrawal," February 6, 1967, and "The Others," February 11, 2002), to his pleas for a federal bailout for citizens instead of corporations ("Beyond the New Deal," April 7, 2008).

Zinn has been labeled a dogmatic historian, but these *Nation* articles reveal something else entirely: a pragmatic radicalism. He was interested in inspiring people to be agents of change, and he assembled from history, literature, philosophy and reportage a formidable intellectual and moral toolbox for doing it. We were fortunate to call him a friend, and it fills us with pride as well as sadness that the last article he published appeared in our pages in a forum on the first year of the Obama administration ("Obama at One," February 1). Seeking to light a flame under the rest of us once again, Zinn wrote, "I think people are dazzled by Obama's rhetoric, and that people ought to begin to understand that Obama is going to be a mediocre president—which means, in our time, a dangerous president—unless there is some national movement to push him in a better direction."

Zinn's Critical History

Friedrich Nietzsche once identified three approaches to the writing of history: the monumental, the antiquarian and the critical, the last being history "that judges and condemns." Howard Zinn, who died on January 27 at 87, wrote the third kind. Unlike many historians, he was not afraid to speak out about the difference between right and wrong.

Zinn was best known, of course, as the author of *A People's History of the United States*, which since its publication in 1980 has

introduced millions of readers to his vision of the American past. Few historians manage to reach a broad nonacademic audience. Those who do generally write Nietzsche's monumental history, works that celebrate great men (the founding fathers, Abraham Lincoln) or heroic events (the building of the Transcontinental Railroad, World War II). Zinn's history was different. Through *A People's History* and various spinoffs (including a recent dramatization by prominent actors of a collection of documents on the History Channel), Zinn's public learned about ordinary Americans' struggles for justice, equality and power.

I have long been struck by how many excellent students of history first had their passion for the past sparked by reading Howard Zinn. Sometimes, to be sure, his account tended toward the Manichaeian, an oversimplified narrative of the battle between the forces of light and darkness. But *A People's History* taught an inspiring and salutary lesson—that despite all too frequent repression, if America has a history to celebrate it lies in the social movements that have made this a better country. As for past heroes, Zinn insisted, one should look not to presidents or captains of industry but to radicals such as Frederick Douglass, Susan B. Anthony and Eugene V. Debs.

Before writing *A People's History*, Zinn published *SNCC: The New Abolitionists* (1964). This book grew out of his experience teaching at Spelman College, an institution for young black women in Atlanta, and his participation in the civil rights movement. It remains essential reading for anyone seeking to understand the upheavals of the '60s. Its subtitle is worth noting. At a time when most historians still depicted nineteenth-century abolitionists as neurotic misfits whose agitation brought on an unnecessary war, Zinn identified their campaign against slavery as the beginning of a long, unfinished struggle for racial justice.

A veteran of World War II, Zinn spoke frequently about the horrors of war, lending his voice to those opposed to American involvement in Vietnam and, more recently, Iraq and Afghanistan. He was a passionate critic of the national security system and the militarization of American life.

A few years ago, I lectured at St. Olaf College in Northfield, Minnesota (the hometown of the late, lamented Senator Paul Wellstone). Zinn had been there a few days before, and across the top of the student newspaper was emblazoned the headline ZINN ATTACKS STATE. I sent Howard a copy. We laughingly agreed that he could not have a more appropriate epitaph. ERIC FONER

Eric Foner, DeWitt Clinton Professor of History at Columbia University, is a member of The Nation's editorial board.

Calvin Trillin, Deadline Poet

Blackwater, Again

The Justice Department is investigating whether officials of Blackwater Worldwide tried to bribe Iraqi government officials in hopes of retaining the firm's security work in Iraq after a deadly shooting episode in 2007.

—*The New York Times*

So Blackwater bosses, from what we've been hearing,
When thinking the end of their contract was nearing
Because of some killings, began engineering
Illegal arrangements for secretive shmeering.
Surprise, surprise.

Blair: Shaken, Not Sorry

London

There are so many things wrong with the Chilcot Inquiry—the British government's official investigation of "the UK's involvement in Iraq, including the way decisions were made and actions taken"—that it's hard to know where to begin: none of the witnesses are under oath, Prime

SAVE THE DATE

September 26
to October 3, 2010,
departing from
New York City

Victor Navasky and
Katrina vanden Heuvel
invite you to join them on
The Nation Magazine's
13th annual seminar
cruise to Bermuda.
Special guests include
Jim Hightower, Judy Collins
and **Jeremy Scahill**. Many
more speakers to be added.



For more information, visit
www.nationcruise.com
or call 800-707-1634

THE
Nation.
Cruise

Minister Gordon Brown's promise that "no British document" would be withheld has been repeatedly broken, all the questioners are far too deferential and (though much of the controversy has centered on whether the invasion of Iraq was a violation of international law) none of them are lawyers. After watching Tony Blair bob and weave his way through more than six hours of mostly feeble cross-examination in January, the chronically independent Labour MP Bob Marshall-Andrews complained of "a tribunal without teeth providing trial without tribulation."

And yet an American still gazes on the spectacle with envy. To see Blair in the dock, visibly shaking with nerves, or the former foreign secretary, Jack Straw, a week earlier, was to realize just how unlikely it is that George W. Bush or Donald Rumsfeld will ever have to face even such an unsatisfactory reckoning. (On the eve of Blair's testimony British law professor Philippe Sands warned the BBC that Blair could also face arrest in any of the fifty countries where the "crime of aggression" is incorporated in the penal code. Blair might want to take legal advice before bringing his after-dinner speaker's act to, say, Azerbaijan. Or perhaps the Israelis could detain him and then swap Blair for one of their many politicians who reportedly risk Pinochet-style arrest in Britain.)

For those of us who remember the 2005 election campaign, when the prime minister seemed to go out of his way to appear in front of hostile audiences, Blair's adroit performance offered few surprises. Even his failure—despite repeated invitations from Sir John Chilcot, the retired civil service mandarin in charge of the inquiry—to offer any expression of regret, or sympathy for the families of British troops killed in Iraq, could be seen as evidence of Blair's genuine belief that he was right to "be with America" in Iraq. In Blair's world, it was his personal revelation after the attacks on the World Trade Center that "the calculus of risk" had changed that led Britain to war, not Bush's Oedipal compulsion to take up his father's unfinished business with Saddam Hussein, or the American right's aggressive desire to remake the world in our image. As for those nonexistent Iraqi WMDs, Blair claimed "no one disputed that Saddam had WMDs"—a delusion easily punctured by reference to chief UN weapons inspector Hans Blix. No postwar revelation could shake Blair's view that the decision to invade Iraq in March 2003, instead of letting Blix finish his work, was a consequence of French and Russian intransigence rather than Pentagon planning.

Which suggests that one invaluable lesson of the Chilcot Inquiry is the terrible cost to any country—not just in terms of its soldiers' lives but in terms of its leaders' sanity—that defines the national interest as standing shoulder to shoulder with Washington. Self-respect won't allow Blair to admit the truth: he took Britain into Iraq because without American patronage and protection it would be just another country that used to have an empire, like Italy or Spain—or Turkey.

We've also been reminded of how often contempt for international law begins at home. Jack Straw, who ordered Pinochet's release from custody in 2000, dismissed Foreign Office lawyers' advice that invading Iraq would be illegal with the retort that he'd "often been advised things were unlawful and gone ahead

anyway and won in the courts" when he was home secretary.

Perhaps most alarming, Blair not only insists that he was right to go to war in Iraq—whatever the obstacles posed by international law, doubters in his own party or those ingrates in Tehran ("We thought they would be more amenable")—but is clearly gearing himself up to sell a new confrontation with Iran. The fact that Blair mentioned Iran fifty-eight times during his testimony ought to make Chilcot of urgent interest to Americans. Two days later Washington leaked plans of an enhanced missile shield in the Persian Gulf, a move that, as Fox News helpfully observed, "ups [the] ante with Iran."

Since we're not allowed our own national inquest into the Iraq quagmire, perhaps President Obama and his advisers could consult the Chilcot transcripts. They'll read the story of a young, charismatic leader who desperately wanted to make the world a better place—and of how his hopes and reputation were devoured by a war he could have avoided. History doesn't have to repeat itself—and when it does, not every tragedy gets replayed as farce.

D.D. GUTTENPLAN

D.D. Guttenplan, who writes from The Nation's London bureau, is the author of American Radical: The Life and Times of I.F. Stone.

@^{THE}Nation.com



On September 16, 2007, Blackwater employees killed at least fourteen Iraqis in the infamous Nisour Square massacre. **Blackwater's Youngest Victim** was 9-year-old Ali Kinani. In an exclusive video interview, Ali's father, Mohammed, talks to Jeremy Scahill about his son, the shootings and his struggle for justice. Also online: a slideshow with photos of Ali, his family and Nisour Square after the shooting.



The goal of government surveillance is to create a deliberate backdoor into secure systems. The appeal to a hacker is obvious, writes Julian Sanchez in **Surveillance Can't Make Us Secure**.



On **The Breakdown** Washington editor Christopher Hayes takes questions from readers about confusing terms in the news. This week: the Obama administration plans to reduce the deficit through a three-year freeze on nonsecurity discretionary spending. What are the possible long-term effects? To submit your questions for The Breakdown, tweet @chrishayes or e-mail thebreakdown@thenation.com.



For **Back Talk**, Christine Smallwood interviews Terry Castle, author of *The Professor*, about her affair with an older woman and the journals of Susan Sontag.



Friends of Howard Zinn offer recollections of the man, his work and its impact in **Remembering Howard Zinn**.



On **Editor's Cut**, Katrina vanden Heuvel writes that while deficit hysteria has reached new heights, few pay attention to the out-of-control military budget.

Alexander Cockburn

The Bogus Crime Wave

Nothing more easily elicits roars of assent across a good slice of the political spectrum than the hoarse alarums that wave after wave of brown-skinned illegals continually flood across the border, plunging neighborhoods and whole cities into an inferno of crime, overwhelming cops and prosecutors, clogging the justice system, cramming the prisons.

Lou Dobbs is pondering a political run powered by a thousand pop-eyed commentaries catering to this fear. "A third of the prison population in this country is estimated to be illegal aliens," he shouts. Glenn Beck screams about "an illegal alien crime wave." The panic is by no means confined to the nutball right. Senator Jim Webb of Virginia, launching his commendable plan for a National Criminal Justice Commission last year, invoked the specter of organized Mexican gangs that supposedly threaten "hundreds" of American cities. "There are an estimated 1 million gang members in the United States, many of them foreign-based," Webb wrote. "Every American neighborhood is vulnerable. Gangs commit 80% of the crime in some locations. Mexican cartels, which are military-capable, have operations in 230+ U.S. cities."

It's all nonsense. There's no crime wave swollen by brown gangbangers to city-destroying proportions. If you want a lucid walk through the data you can turn to... *The American Conservative*, whose March issue features a cover story by the magazine's publisher, Ron Unz. There's a photo of a tattooed gangbanger, and the title "HisPANIC," then the subtitle: "The Myth of Immigrant Crime."

Yes, this is the magazine co-founded by Pat Buchanan, whose physical form I last clapped eyes on at the Republican convention in the Houston Astrodome in 1992, roaring to a climactic fist-shake against the black and brown hordes who had recently rioted in Los Angeles: "We must take back our cities, and take back our culture, and take back our country!"

Unz comes to statistical analysis of populations and crime data with decent credentials—he majored in theoretical physics at Harvard, then went on to physics graduate study at Cambridge and Stanford before swerving into very successful software work on Wall Street and now a busy life in Silicon Valley, fostering ideas on both sides of the political aisle. I should add that I count him as a discriminating friend, supportive of left ventures such as *CounterPunch* as well as *The American Conservative*, whose tiller he took over in 2007.

At the heart of Unz's essay is the matter of age-weighting. Most serious crime is committed by young males, especially those between 18 and 29. Now, the age distribution of Hispanics and whites in the overall population is markedly different. The median age for Hispanics is around 27; for whites it's above 40. But to get useful comparisons you need to look at the relative

criminality of Hispanics and whites of the same age; you need to sift out immigration-related offenses (more than half of all federal prosecutions) from state-prosecuted crimes such as robbery, rape, murder, burglary, assault and theft; you need to review comparative data state by state, since there are very significant regional differences in the way justice systems are administered, hence significant variations in incarceration rates.

Unz's bottom line: "Hispanics have approximately the same crime rates as whites of the same age." Since poverty and crime have an intimate connection, and since America's Hispanics are advancing economically, the Hispanic crime rate will most likely drop more. An important further point: Unz uses Census figures for all the states, with a total estimate in 2008 of around 45 million Hispanics. But there's a widespread view that illegal immigrants are significantly undercounted. So if there are, as some "brown tide" scaremongers allege, 25 million unreported Hispanic illegals above Census numbers, then the true Hispanic crime rate is 35 percent lower than Unz estimates. Almost beyond the shadow of a doubt, white crime rates nationwide are significantly higher than Hispanic ones. Senator Webb needs to refocus his Threat Assessment.

But what about Los Angeles, allegedly the dystopian HQ of immigrant crime, half Hispanic in population, many of them poor and illegal? All crime rates in LA, Unz explains, have been dropping for two decades. Homicides plunged 18 percent last year. Violent crime is roughly the same in LA as in Portland, Oregon, the whitest major city in America, the same as it was in the lily-white LA of the early 1960s. But the gangs? Ah, yes. You see, the feds dole out hundreds of millions each year for gang prevention. Pay a city to find a gang problem and the city will oblige.

Unz had a question for me: "Pro-immigrant advocacy organizations spend hundreds of millions of dollars each year in this exact subject area. So if my theories were correct or even just remotely plausible, wouldn't such a vast army of paid researchers have long since discovered the same evidence and blasted it out to the four corners of the earth via a very supportive mainstream media?"

My answer: remember that mainstream NGO liberalism—starting with Rockefeller and particularly saturating every environmental foundation—is built on the bedrock of demographic panic about the pullulating poor, particularly the brown and black and yellow hordes. Every billionaire setting up his foundation almost invariably has population control in his mandate. Shoulder to shoulder with hysteria about immigrant crime waves rides fear of the fecund darker races. So I think we can surmise an instinctive racist bias among foundation liberals, their likely belief that Hispanics do commit more crimes and hence their desire to steer clear of all data that they fear might ratify this instinct. ■



Katha Pollitt

Focus on the Fetus

If Planned Parenthood or NARAL or NOW spent some \$2.5 million on a thirty-second Super Bowl spot, I would never give them another dime. What a colossal waste of money! Thus, part of me was thrilled to learn that Focus on the Family was paying that staggering sum for an ad featuring Heisman Trophy winner Tim Tebow and his mother, Pam, who say how glad they are that she didn't follow her doctor's advice and abort him twenty-three years ago. Every dollar FOTF spends messaging the fans is a dollar not available to pay the electricity bill or keep staff on payroll—and in fact, FOTF has recently laid off hundreds of employees. Maybe next year FOTF will show us founder Dr. James Dobson reprising his 2005 attack on SpongeBob SquarePants for appearing in a “pro-homosexual video” or advising parents on the proper way to hit their children (“the spanking should be of sufficient magnitude to cause the child to cry genuinely”).

In retrospect it was probably a mistake for pro-choice and feminist organizations to demand that CBS cancel the ad. Technically, they had a strong point: after all, in recent years the network, citing a no-advocacy policy, has rejected ads from PETA, MoveOn and even a spot from the United Church of Christ that gently announced its support of diversity and openness to gays and lesbians. Only when called on the apparent double standard did CBS announce it had changed its policy—and then it was revealed that even after this supposed change, the network had rejected an ad from ManCrunch, a gay dating website. Without mentioning CBS's history of banning progressive ads, the *New York Times* published an editorial denouncing protesters for “censorship.” A sensible person might wonder who, really, is being the censor here. Nonetheless, most people are not going to follow the details any more than the *Times* did. All they see is prochoicers trying to shut up a brave mother and her fine young son.

You have to hand it to the antichoicers. Only a few years ago they were taking out newspaper ads accusing teenage girls of having abortions to fit into their prom dresses. Today the public face of the movement is warm and woman-friendly: it's Sarah Palin knowingly bearing a son with Down syndrome and Bristol embracing single teen motherhood and abstinence. It's Pam Tebow, who says she refused to have an abortion although doctors warned that the antibiotics she had been given for amebic dysentery had caused a placental abruption, possibly damaging the fetus and risking her life. Doubts have been raised about some elements in her story—did the doctors “urge” abortion or just mention it as an option? Also, abortion was (and still is) illegal in the Philippines, where the Tebows were living at the time. But whatever. Trust in God and your own inner strength, the message is, and all will be well. You can do it. Choose Life.

It's maddening that the people who want to take away women's right to choose have annexed “choice” to their own cause. If the

law compelled women like Sarah and Bristol Palin and Pam Tebow to continue problem pregnancies, there would be no heroism in doing so—you don't get much credit for taking the difficult path if that's your only option. Opponents of abortion rights want you to forget that if they had their way there would be no choice. And the soft approach seems to be working. As longtime prochoice leaders Frances Kissling and Kate Michelman wrote in a controversial *Washington Post* essay, “Today, all sorts of well-educated and progressive people are comfortable calling themselves pro-life. In the public eye, the term seems to encompass a broader and more moderate vision, not focused solely on what it opposes.” Of course, antichoicers still compare abortion to the Holocaust, spread misinformation (abortion will make you sterile!), heap up restrictions that place abortion out of reach for many women, and murder the occasional provider. The organization Kissling and Michelman cite as representing the new, crunchy prolife approach, Feminists for Life, quietly supports a total ban on abortion, insinuates that birth control is harmful to women and, four years after its president, Serrin Foster, told me she was considering removing from the website claims that abortion causes breast cancer, still posts that disinformation. But the happy-talk proceeds on a separate channel beamed squarely at Middle America.

“I don't think we can cede to the right wing our ability to communicate with mainstream America,” Michelman told me by phone. NARAL's costly, multiyear Choice for America ad campaign, she said, which used patriotic symbols to associate abortion rights with American values, was very successful—until the funding dried up. I hate to think our rights depend on which side has the best ad agency or the cheeriest message, or the most spare millions lying about for thirty-second spots. Are people really so easily manipulated? Don't answer that.

The trouble is, much of the abortion rights case is about averting damage, and it's harder to tell those stories. We hear about the Pam Tebows, not about the women who listened to the doctors and terminated a dangerous pregnancy—or about those for whom disregarding that advice was a big mistake. Imagine a Super Bowl ad like this: *Mother in kitchen with kids*: “Thank God I listened to my doctor when she told me my pregnancy had gone terribly wrong. If I hadn't, I might be dead, and my children would be growing up without a mother.” Or *Husband at graveside*: “Sally had so much spirit, so much faith. I just wish she'd trusted her doctor... this one time.”

And what if Tim Tebow hadn't turned out so well? In anti-choice mythology the aborted fetus is always Beethoven or some other genius born in discouraging circumstances. What if it was Ted Bundy? *Elderly Austrian woman in a dirndl*: “I told my husband four children would be too many, but he said not to talk such nonsense—all the Schicklgrubers had lots of kids.”

What would the CBS censors make of that? ■



HOW TO GET OUR DEMOCRACY BACK

THERE WILL BE NO CHANGE UNTIL WE CHANGE CONGRESS

LAWRENCE LESSIG



We should remember what it felt like one year ago, as the ability to recall it emotionally will pass and it is an emotional memory as much as anything else. It was a moment rare in a democracy's history. The feeling was palpable—to supporters and opponents alike—that something important had happened. America had elected, the young candidate promised, a transformational president. And wrapped in a campaign that had produced the biggest influx of new voters and small-dollar contributions in a generation, the claim seemed credible, almost intoxicating, and just in time.

Yet a year into the presidency of Barack Obama, it is already clear that this administration is an opportunity missed. Not because it is too conservative. Not because it is too liberal. But because it is too conventional. Obama has given up the rhetoric of his early campaign—a campaign that promised to “challenge the broken system in Washington” and to “fundamentally change the way Washington works.” Indeed, “fundamental change” is no longer even a hint.

Instead, we are now seeing the consequences of a decision made at the most vulnerable point of Obama's campaign—just when it seemed that he might really have beaten the party's pre-

sumed nominee. For at that moment, Obama handed the architecture of his new administration over to a team that thought what America needed most was another Bill Clinton. A team chosen by the brother of one of DC's most powerful lobbyists, and a White House headed by the quintessential DC politician. A team that could envision nothing more than the ordinary politics of Washington—the kind of politics Obama had called “small.” A team whose imagination—politically—is tiny.

These tiny minds—brilliant though they may be in the conventional game of DC—have given up what distinguished Obama's extraordinary campaign. Not the promise of health-care reform or global warming legislation—Hillary Clinton had embraced both of those ideas, and every other substantive proposal that Obama advanced. Instead, the passion that Obama inspired grew from the recognition that something fundamental had gone wrong in the way our government functions, and his commitment to reform it.

For Obama once spoke for the anger that has now boiled over in even the blue state Massachusetts—that our government is corrupt; that fundamental change is needed. As he told us, both parties had allowed “lobbyists and campaign contributions to rig the system.” And “unless we're willing to chal-

NOBODY OWNS THE NATION.

Not GE (or Comcast). Not Disney. Not Murdoch or Time Warner. We are a wholly owned subsidiary of our own conscience.

This independence is why great writers have always used *The Nation* as an Early Warning System—to expose before it's too late the frauds, felonies and follies of the all-too-private enterprise we call Our Government.

And it's why week in, week out we're read by an audience as illustrious as our authors.

If you believe, as our readers do, that the highest form of patriotism is demanding to know exactly what Government's doing in your name, why not sign on today at this very low rate? You can save a lot—not least of which could be your country.

THAT'S WHY SO MANY SOMEBODIES READ IT.

Mike Farrell is a longstanding Nation reader.

SUBSCRIBE NOW
WWW.THENATION.COM/TRIAL-RATE
800-333-8536

(Legally speaking, of course, everything has an owner, but as a *Nation* editor once wrote, "it is one of the superb facts about *The Nation* that you can no more 'own' it than you can own the spirit it represents.")



lenge [that] broken system...nothing else is going to change.” “The reason” Obama said he was “running for president [was] to challenge that system.” For “if we’re not willing to take up that fight, then real change—change that will make a lasting difference in the lives of ordinary Americans—will keep getting blocked by the defenders of the status quo.”

This administration has not “taken up that fight.” Instead, it has stepped down from the high ground the president occupied on January 20, 2009, and played a political game no different from the one George W. Bush played, or Bill Clinton before him. Obama has accepted the power of the “defenders of the status quo” and simply negotiated with them. “Audacity” fits nothing on the list of last year’s activity, save the suggestion that this is the administration the candidate had promised.

Maybe this was his plan all along. It was not what he said. And by ignoring what he promised, and by doing what he attacked (“too many times, after the election is over, and the confetti is swept away, all those promises fade from memory, and the lobbyists and the special interests move in”), Obama will leave the presidency, whether in 2013 or 2017, with Washington essentially intact and the movement he inspired betrayed.

That movement needs new leadership. On the right (the tea party) and the left (MoveOn and Bold Progressives), there is an unstoppable recognition that our government has failed. But both sides need to understand the source of its failure if either or, better, both together, are to respond.

At the center of our government lies a bankrupt institution: Congress. Not financially bankrupt, at least not yet, but politically bankrupt. *Bush v. Gore* notwithstanding, Americans’ faith in the Supreme Court remains extraordinarily high—76 percent have a fair or great deal of “trust and confidence” in the Court. Their faith in the presidency is also high—61 percent.

But consistently and increasingly over the past decade, faith in Congress has collapsed—slowly, and then all at once. Today it is at a record low. Just 45 percent of Americans have “trust and confidence” in Congress; just 25 percent approve of how Congress is handling its job. A higher percentage of Americans likely supported the British Crown at the time of the Revolution than support our Congress today.

The source of America’s cynicism is not hard to find. Americans despise the inauthentic. Gregory House, of the eponymous TV medical drama, is a hero not because he is nice (he isn’t) but because he is true. Tiger Woods is a disappointment not because he is evil (he isn’t) but because he proved false. We may want peace and prosperity, but most would settle for simple integrity. Yet the single attribute least attributed to Congress, at least in the minds of the vast majority of Americans, is just that: integrity. And this is because most believe our Congress is a simple pretense. That rather than being, as our framers promised, an institution “dependent on the People,” the institution has

developed a pathological dependence on campaign cash. The US Congress has become the Fundraising Congress. And it answers—as Republican and Democratic presidents alike have discovered—not to the People, and not even to the president, but increasingly to the relatively small mix of interests that fund the key races that determine which party will be in power.

This is corruption. Not the corruption of bribes, or of any other crime known to Title 18 of the US Code. Instead, it is a corruption of the faith Americans have in this core institution of our democracy. The vast majority of Americans believe money buys results in Congress (88 percent in a recent California poll). And whether that belief is true or not, the damage is the same. The democracy is feigned. A feigned democracy breeds cynicism. Cynicism leads to disengagement. Disengagement leaves the fox guarding the henhouse.

This corruption is not hidden. On the contrary, it is in plain sight, with its practices simply more and more brazen. Consider,

‘Audacity’ fits nothing on the list of last year’s activity, save the suggestion that this is the administration the candidate had promised.

for example, the story Robert Kaiser tells in his fantastic book *So Damn Much Money*, about Senator John Stennis, who served for forty-one years until his retirement in 1989. Stennis, no choirboy himself, was asked by a colleague to host a fundraiser for military contractors while he was chair of the Armed Services Committee. “Would that be proper?” Stennis asked. “I hold life and death over those companies. I don’t think it would be proper for me to take money from them.”

Is such a norm even imaginable in DC today? Compare Stennis with Max Baucus, who has gladly opened his campaign chest to \$3.3 million in contributions from the healthcare and insurance industries since 2005, a time when he has controlled healthcare in the Senate. Or Senators Lieberman, Bayh and Nelson, who took millions from insurance and healthcare interests and then opposed the (in their states) popular public option for healthcare. Or any number of Blue Dog Democrats in the House who did the same, including, most prominently, Alabama’s Mike Ross. Or Republican John Campbell, a California landlord who in 2008 received (as ethics reports indicate) between \$600,000 and \$6 million in rent from used car dealers, who successfully inserted an amendment into the Consumer Financial Protection Agency Act to exempt car dealers from financing rules to protect consumers. Or Democrats Melissa Bean and Walter Minnick, who took top-dollar contributions from the financial services sector and then opposed stronger oversight of financial regulations.

The list is endless; the practice open and notorious. Since the time of Rome, historians have taught that while corruption is a part of every society, the only truly dangerous corruption comes when the society has lost any sense of shame. Washington has lost its sense of shame.

As fundraising becomes the focus of Congress—as the parties

Lawrence Lessig, a professor of law at Harvard Law School, is co-founder of the nonprofit Change Congress.

force members to raise money for other members, as they reward the best fundraisers with lucrative committee assignments and leadership positions—the focus of Congressional “work” shifts. Like addicts constantly on the lookout for their next fix, members grow impatient with anything that doesn’t promise the kick of a campaign contribution. The first job is meeting the fundraising target. Everything else seems cheap. Talk about policy becomes, as one Silicon Valley executive described it to me, “transactional.” The perception, at least among industry staffers dealing with the Hill, is that one makes policy progress only if one can promise fundraising progress as well.

This dance has in turn changed the character of Washington. As Kaiser explains, Joe Rothstein, an aide to former Senator Mike Gravel, said there was never a “period of pristine American politics untainted by money.... Money has been part of American politics forever, on occasion—in the Gilded Age or the Harding administration, for example—much more blatantly than recently.” But “in recent decades ‘the scale of it has just gotten way out of hand.’ The money may have come in brown paper bags in earlier eras, but the politicians needed, and took, much

As the focus of Congressional work shifts toward fundraising, policy discussions are becoming increasingly ‘transactional.’

less of it than they take through more formal channels today.”

And not surprisingly, as powerful interests from across the nation increasingly invest in purchasing public policy rather than inventing a better mousetrap, wealth, and a certain class of people, shift to Washington. According to the 2000 Census, fourteen of the hundred richest counties were in the Washington area. In 2007, nine of the richest twenty were in the area. Again, Kaiser: “In earlier generations enterprising young men came to Washington looking for power and political adventure, often with ambitions to save or reform the country or the world. In the last fourth of the twentieth century such aspirations were supplanted by another familiar American yearning: to get rich.”

Rich, indeed, they are, with the godfather of the lobbyist class, Gerald Cassidy, amassing more than \$100 million from his lobbying business.

Members of Congress are insulted by charges like these. They insist that money has no such effect. Perhaps, they concede, it buys access. (As former Representative Romano Mazzoli put it, “People who contribute get the ear of the member and the ear of the staff. They have the access—and access is it.”) But, the cash-seekers insist, it doesn’t change anyone’s mind. The souls of members are not corrupted by private funding. It is simply the way Americans go about raising the money necessary to elect our government.

But there are two independent and adequate responses to this weak rationalization for the corruption of the Fundraising Congress. First: whether or not this money has corrupted anyone’s

soul—that is, whether it has changed any vote or led any politician to bend one way or the other—there is no doubt that it leads the vast majority of Americans to believe that money buys results in Congress. Even if it doesn’t, that’s what Americans believe. Even if, that is, the money doesn’t corrupt the soul of a single member of Congress, it corrupts the institution—by weakening faith in it, and hence weakening the willingness of citizens to participate in their government. Why waste your time engaging politically when it is ultimately money that buys results, at least if you’re not one of those few souls with vast sums of it?

“But maybe,” the apologist insists, “the problem is in what Americans believe. Maybe we should work hard to convince Americans that they’re wrong. It’s understandable that they believe money is corrupting Washington. But it isn’t. The money is benign. It supports the positions members have already taken. It is simply how those positions find voice and support. It is just the American way.”

Here a second and completely damning response walks onto the field: if money really doesn’t affect results in Washington, then what could possibly explain the fundamental policy failures—relative to every comparable democracy across the world, whether liberal or conservative—of our government over the past decades? The choice (made by Democrats and Republicans alike) to leave unchecked a huge and crucially vulnerable segment of our economy, which threw the economy over a cliff when it tanked (as independent analysts again and again predicted it would).

Or the choice to leave unchecked the spread of greenhouse gases. Or to leave unregulated the exploding use of antibiotics in our food supply—producing deadly strains of *E. coli*. Or the inability of the twenty years of “small government” Republican presidents in the past twenty-nine to reduce the size of government at all. Or... you fill in the blank. From the perspective of what the People want, or even the perspective of what the political parties say they want, the Fundraising Congress is misfiring in every dimension. That is either because Congress is filled with idiots or because Congress has a dependency on something other than principle or public policy sense. In my view, Congress is not filled with idiots.

The point is simple, if extraordinarily difficult for those of us proud of our traditions to accept: this democracy no longer works. Its central player has been captured. Corrupted. Controlled by an economy of influence disconnected from the democracy. Congress has developed a dependency foreign to the framers’ design. Corporate campaign spending, now liberated by the Supreme Court, will only make that dependency worse. “A dependence” not, as the Federalist Papers celebrated it, “on the People” but a dependency upon interests that have conspired to produce a world in which policy gets sold.

No one, Republican or Democratic, who doesn’t currently depend upon this system should accept it. No president, Republican or Democratic, who doesn’t change this system could possibly hope for any substantive reform. For small-government Republicans, the existing system will always block progress. There will be no end to extensive and complicated taxation and regulation until this system changes (for the struggle over end-

Experience the Power and Beauty of English

in a course that explains the origins and history of the language you share with Geoffrey Chaucer, William Shakespeare, the King James Bible, Samuel Johnson, and Abraham Lincoln ... in your choice of audio or DVD formats.

You speak English every day. But how much do you know about its long and fascinating history? These 36 lectures are a thorough and absorbing survey of English, from its origins as a Germanic dialect to the literary and cultural achievements of its 1,500-year history to the state of American speech and global English today.

Much of the charm of this course is in its wealth of fascinating detail. Where do the silent "k" and "g" in "knight" come from? Why could Chaucer and Shakespeare use multiple negatives without anyone missing their meaning? Why did Isaac Newton take time out from physics to research spelling? How did a British colonial official first realize that languages spoken from Britain to India were deeply related? How do the shared roots of those "Indo-European" languages give us a window into the prehistoric past?

As you trace the development of spoken and written English, you'll learn how words denote social rank, how and why dialects arise and interact, and how the Anglo-Saxons, the Norman invasion, and British colonialism each left their marks on the words we use every day.

You'll learn, too, why spelling meant so much to Renaissance schoolmasters, and how Noah Webster, Frederick Douglass, Thomas Jefferson, Abraham Lincoln, H. L. Mencken, and others helped to give us our familiar American English. You'll also explore the regional American dialects that still thrive and how many of them preserve centuries-old features of British English that have long since disappeared in the British Isles.

Professor Seth Lerer's closing lectures show how hot topics such as multiculturalism and the official status of English were first discussed in the courts of medieval English kings, and ask intriguing questions about the sort of English our children and grandchildren will speak.

About Your Professor

Dr. Lerer is Professor of Comparative Literature at Stanford University, where his awards include the Hoagland Prize for Undergraduate Teaching. A skilled lecturer, he is also an extraordinary master of dialect and accent. He will dazzle you with his gift

About Our Sale Price Policy

Why is the sale price for this course so much lower than its standard price? Every course we make goes on sale at least once a year. Producing large quantities of only the sale courses keeps costs down and allows us to pass the savings on to you. This approach also enables us to fill your order immediately: 99% of all orders placed by 2:00 pm eastern time ship that same day. Order before March 13, 2010, to receive these savings.



Noah Webster

for reading aloud in Old English and Middle English.

About The Teaching Company®

We review hundreds of top-rated professors from America's best colleges and universities each year. From this extraordinary group we choose only those rated highest by panels of our customers. Fewer than 10% of these world-class scholar-teachers are selected to make The Great Courses®. We've been doing this since 1990, producing more than 3,000 hours of material in modern and ancient history, philosophy, literature, fine arts, the sciences, and mathematics for intelligent, engaged, adult lifelong learners. If a course is ever less than completely satisfying, you may exchange it for another or we will refund your money promptly.

Lecture Titles

1. Introduction to the Study of Language
2. The Historical Study of Language
3. Indo-European and the Prehistory of English
4. Reconstructing Meaning and Sound
5. Historical Linguistics and Studying Culture
6. The Beginnings of English
7. The Old English Worldview
8. Did the Normans Really Conquer English?
9. What Did the Normans Do to English?
10. Chaucer's English
11. Dialect Representations in Middle English
12. Medieval Attitudes toward Language
13. The Return of English as a Standard
14. The Great Vowel Shift and Modern English
15. The Expanding English Vocabulary
16. Early Modern English Syntax and Grammar
17. Renaissance Attitudes toward Teaching English
18. Shakespeare—Drama, Grammar, Pronunciation
19. Shakespeare—Poetry, Sound, Sense
20. The Bible in English
21. Samuel Johnson and His *Dictionary*
22. New Standards in English
23. Dictionaries and Word Histories
24. Values, Words, and Modernity
25. The Beginnings of American English
26. American Language from Webster to Mencken
27. American Rhetoric from Jefferson to Lincoln
28. The Language of the American Self
29. American Regionalism
30. American Dialects in Literature
31. The Impact of African-American English
32. An Anglophone World
33. The Language of Science
34. The Science of Language
35. Linguistics and Politics in Language Study
36. Conclusions and Provocations



THE TEACHING COMPANY®

The Joy of Lifelong Learning Every Day™

GREAT PROFESSORS, GREAT COURSES, GREAT VALUE
GUARANTEED.™

SAVE UP TO \$275!
OFFER GOOD UNTIL MARCH 13, 2010

1-800-TEACH-12 (1-800-832-2412)

Fax: 703-378-3819

Special offer is available online at
www.TEACH12.com/3ntn



The Great Courses
THE TEACHING COMPANY
4151 Lafayette Center Drive, Suite 100
Chantilly, VA 20151-1232

Priority Code 39373

Please send me **The History of the English Language, 2nd Edition**, which consists of thirty-six 30-minute lectures with complete Course Guidebooks.

☐ **DVD \$99.95** (std. price \$374.95) **SAVE \$275!**
plus \$15 shipping, processing, and lifetime satisfaction guarantee.

☐ **Audio CD \$69.95** (std. price \$269.95) **SAVE \$200!**
plus \$10 shipping, processing, and lifetime satisfaction guarantee.

☐ **Check or Money Order enclosed**

* Non-U.S. Orders: Additional shipping charges apply.

For more details, call us or visit the FAQ page on our website.

** Virginia residents please add 5% sales tax.

Charge my credit card:

☐ VISA ☐ M/C ☐ DISC ☐ AMEX

ACCOUNT NUMBER

EXP. DATE

SIGNATURE

NAME (PLEASE PRINT)

MAILING ADDRESS

CITY/STATE/ZIP

PHONE (If we have questions regarding your order—required for international orders)

☐ **FREE CATALOG.** Please send me a free copy of your current catalog (no purchase necessary).

Special offer is available online at www.TEACH12.com/3ntn

Offer Good Through: March 13, 2010



less and complicated taxation and regulation is just a revenue opportunity for the Fundraising Congress). For reform-focused Democrats, the existing system will always block progress. There will be no change in fundamental aspects of the existing economy, however inefficient, from healthcare to energy to food production, until this political economy is changed (for the reward from the status quo to stop reform is always irresistible to the Fundraising Congress). In a single line: there will be no change until we change Congress.

That Congress is the core of the problem with American democracy today is a point increasingly agreed upon by a wide range of the commentators. But almost universally, these commentators obscure the source of the problem.

Some see our troubles as tied to the arcane rules of the institution, particularly the Senate. Ezra Klein of the *Washington Post*, for example, has tied the failings of Congress to the filibuster and argues that the first step of fundamental reform has got to be to fix that. Tom Geoghegan made a related argument in these pages in August, and the argument appears again in this issue. (Of course, these pages were less eager to abolish the filibuster when the idea was floated by the Republicans in 2005, but put that aside.)

These arguments, however, miss a basic point. Filibuster rules simply set the price that interests must pay to dislodge reform. If the rules were different, the price would no doubt be higher. But a higher price wouldn't change the economy of influence. Indeed, as political scientists have long puzzled, special interests underinvest in Washington relative to the potential return. These interests could just as well afford to assure that fifty-one senators block reform as forty.

Lobbying campaigns obscure the source of policy disputes with the pretense that it is ideology, not campaign cash, that divides us.

Others see the problem as tied to lobbyists—as if removing lobbyists from the mix of legislating (as if that constitutionally could be done) would be reform enough to assure that legislation was not corrupted.

But the problem in Washington is not lobbying. The problem is the role that lobbyists have come to play. As John Edwards used to say (when we used to quote what Edwards said), there's all the difference in the world between a lawyer making an argument to a jury and a lawyer handing out \$100 bills to the jurors. That line is lost on the profession today. The profession would earn enormous credibility if it worked to restore it.

Finally, some believe the problem of Congress is tied to excessive partisanship. Members from an earlier era routinely point to the loss of a certain civility and common purpose. The game as played by both parties seems more about the parties than about the common good.

But it is this part of the current crisis that the dark soul in me admires most. There is a brilliance to how the current

fraud is sustained. Everyone inside this game recognizes that if the public saw too clearly that the driving force in Washington is campaign cash, the public might actually do something to change that. So every issue gets reframed as if it were really a question touching some deep (or not so deep) ideological question. Drug companies fund members, for example, to stop reforms that might actually test whether “me too” drugs are worth the money they cost. But the reforms get stopped by being framed as debates about “death panels” or “denying doctor choice” rather than the simple argument of cost-effectiveness that motivates the original reform. A very effective campaign succeeds in obscuring the source of conflict over major issues of reform with the pretense that it is ideology rather than campaign cash that divides us.

Each of these causes is a symptom of a more fundamental disease. That disease is improper dependency. Remove the dependency, and these symptoms become—if not perfectly then at least much more—benign.

As someone who has known Obama vaguely for almost twenty years—he was my colleague at the University of Chicago, and I supported and contributed to every one of his campaigns—I would have bet my career that he understood this. That's what he told us again and again in his campaign, not as colorfully as Edwards, but ultimately more convincingly. That's what distinguished him from Hillary Clinton. That's what Clinton, defender of the lobbyists, didn't get. It was “fundamentally chang[ing] the way Washington works” that was the essential change that would make change believable.

So if you had told me in 2008 that Obama expected to come to power and radically remake the American economy—as his plans to enact healthcare and a response to global warming alone obviously would—without first radically changing this corrupted machinery of government, I would not have believed it. Who could believe such a change possible, given the economy of influence that defines Washington now?

Yet a year into this administration, it is impossible to believe this kind of change is anywhere on the administration's radar, at least anymore. The need to reform Congress has left Obama's rhetoric. The race to dicker with Congress in the same way Congress always deals is now the plan. Symbolic limits on lobbyists within the administration and calls for new disclosure limits for Congress are the sole tickets of “reform.” (Even its revolving-door policy left a Mack truck-wide gap at its core: members of the administration can't leave the government and lobby for the industries they regulated during the term of the administration. But the day after Obama leaves office? All bets are off.) Save a vague promise in his State of the Union about overturning the Court's decision in *Citizens United v. Federal Election Commission* (as if that were reform enough), there is nothing in the current framework of the White House's plans that is anything more than the strategy of a kinder and gentler, albeit certainly more articulate, George W. Bush: buying reform at whatever price the Fundraising Congress demands. No doubt Obama will try to buy more reform than Bush did. But

the terms will continue to be set by a Congress driven by a dependency that betrays democracy, and at a price that is not clear we can even afford.

Healthcare reform is a perfect example. The bill the Fund-raising Congress has produced is miles from the reform that Obama promised ("Any plan I sign must include an insurance exchange...including a public option," July 19, 2009). Like the stimulus package, like the bank bailouts, it is larded with gifts to the most powerful fundraising interests—including a promise to drug companies to pay retail prices for wholesale purchases and a promise to the insurance companies to leave their effectively collusive (since exempt from anti-trust limitations) and extraordinarily inefficient system of insurance intact—and provides (relative to the promises) little to the supposed intended beneficiaries of the law: the uninsured. In this, it is the perfect complement to the only significant social legislation enacted by Bush, the prescription drug benefit: a small benefit to those who can't afford drugs, a big gift to those who make drugs and an astonishingly expensive price tag for the nation.

So how did Obama get to this sorry bill? The first step, we are told, was to sit down with representatives from the insurance and pharmaceutical industries to work out a deal. But why, the student of Obama's campaign might ask, were they the entities with whom to strike a deal? How many of the 69,498,516 votes received by Obama did they actually cast? "We have to change our politics," Obama said. Where is the change in this?

"People...watch," Obama told us in the campaign, "as every year, candidates offer up detailed healthcare plans with great fanfare and promise, only to see them crushed under the weight of Washington politics and drug and insurance industry lobbying once the campaign is over."

"This cannot," he said, "be one of those years."

It has been one of those years. And it will continue to be so long as presidents continue to give a free pass to the underlying corruption of our democracy: Congress.

There was a way Obama might have had this differently. It would have been risky, some might say audacious. And it would have required an imagination far beyond the conventional politics that now controls his administration.

No doubt, 2009 was going to be an extraordinarily difficult year. Our nation was a cancer patient hit by a bus on her way to begin chemotherapy. The first stages of reform thus had to be trauma care, at least to stabilize the patient until more fundamental treatment could begin.

But even then, there was an obvious way that Obama could have reserved the recognition of the need for this more fundamental reform by setting up the expectations of the nation forcefully and clearly. Building on the rhetoric at the core of his campaign, on January 20, 2009, Obama could have said:

America has spoken. It has demanded a fundamental change in how Washington works, and in the government America delivers. I commit to America to work with Congress to produce that change. But if we fail, if Congress blocks the change that America has demanded—or more precisely, if Congress allows the special interests that control it to block

Bio
graphy
THE LEON LEVY
CENTER FOR
at The Graduate Center

ANNUAL CONFERENCE ON BIOGRAPHY

THE END OF BIOGRAPHY:
PURPOSE · PROMISE · PROSPECTS
Keynote Speaker: Arnold Rampersad

The Leon Levy Center for Biography is pleased to announce that its annual Conference on Biography will feature acclaimed author and MacArthur Fellow, Arnold Rampersad, author of books on Ralph Ellison, Jackie Robinson, and a two-volume biography of Langston Hughes. Other participants will include James Atlas, Gary Giddins, Molly Haskell, Richard Howard, D.T. Max, Jed Perl, Andrew Sarris, Amanda Vail and more.

Friday, March 19th, 10.30 AM – 6.30 PM
ELEBASH RECITAL HALL

For more information email us at biography@gc.cuny.edu or call 212-817-2008
FREE AND OPEN TO THE PUBLIC. WE DO NOT OFFER RESERVED SEATING. PLEASE ARRIVE EARLY.

leonlevycenterforbiography.com

WWW.THENATIONMART.COM

Nation Mart **\$15⁺SH**

The Nation Inauguration Poster

Featuring original illustration by John Mavroudis.
18" X 24" poster

Order online – www.thenationmart.com – or mail to:
The Nation Mart, 33 Irving Place, New York, NY 10003.

the change that America has demanded—then it will be time to remake Congress. Not by throwing out the Democrats, or by throwing out the Republicans. But by throwing out both, to the extent that both continue to want to work in the old way. If this Congress fails to deliver change, then we will change Congress.

Had he framed his administration in these terms, then when what has happened happened, Obama would be holding the means to bring about the obvious and critical transformation that our government requires: an end to the Fundraising Congress. The failure to deliver on the promises of the campaign would not be the failure of Obama to woo Republicans (the unwooable Victorians of our age). The failure would have been what America was already primed to believe: a failure of this corrupted institution to do its job. Once that failure was marked with a frame that Obama set, he would have been in the position to begin the extraordinarily difficult campaign to effect the real change that Congress needs.

Citizen-funded elections and constitutional reforms to ensure legislative integrity would make it difficult for money to buy results.

I am not saying this would have been easy. It wouldn't have. It would have been the most important constitutional struggle since the New Deal or the Civil War. It would have involved a fundamental remaking of the way Congress works. No one should minimize how hard that would have been. But if there was a president who could have done this, it was, in my view, Obama. No politician in almost a century has had the demonstrated capacity to inspire the imagination of a nation. He had us, all of us, and could have kept us had he kept the focus high.

Nor can one exaggerate the need for precisely this reform. We can't just putter along anymore. Our government is, as Paul Krugman put it, "ominously dysfunctional" just at a time when the world desperately needs at least competence. Global warming, pandemic disease, a crashing world economy: these are not problems we can leave to a litter of distracted souls. We are at one of those rare but critical moments when a nation must remake itself, to restore its government to its high ideals and to the potential of its people. Think of the brilliance of almost any bit of the private sector—from Hollywood, to Silicon Valley, to MIT, to the arts in New York or Nashville—and imagine a government that reflected just a fraction of that excellence. We cannot afford any less anymore.

What would the reform the Congress needs be? At its core, a change that restores institutional integrity. A change that rekindles a reason for America to believe in the central institution of its democracy by removing the dependency that now defines the Fundraising Congress. Two changes would make that removal complete. Achieving just one would have made Obama the most important president in a hundred years.

That one—and first—would be to enact an idea proposed by a Republican (Teddy Roosevelt) a century ago: citizen-funded elections. America won't believe in Congress, and Congress won't deliver on reform, whether from the right or the left, until Congress is no longer dependent upon conservative-with-a-small-c interests—meaning those in the hire of the status quo, keen to protect the status quo against change. So long as the norms support a system in which members sell out for the purpose of raising funds to get re-elected, citizens will continue to believe that money buys results in Congress. So long as citizens believe that, it will.

Citizen-funded elections could come in a number of forms. The most likely is the current bill sponsored in the House by Democrat John Larson and Republican Walter Jones, in the Senate by Democrats Dick Durbin and Arlen Specter. That bill is a hybrid between traditional public funding and small-dollar donations. Under this Fair Elections Now Act (which, by the way, is just about the dumbest moniker for the statute possible, at least if the sponsors hope to avoid Supreme Court invalidation), candidates could opt in to a system that would give them, after clearing certain hurdles, substantial resources to run a campaign. Candidates would also be free to raise as much money as they want in contributions maxed at \$100 per citizen.

The only certain effect of this first change would be to make it difficult to believe that money buys any results in Congress. A second change would make that belief impossible: banning any member of Congress from working in any lobbying or consulting capacity in Washington for seven years after his or her term. Part of the economy of influence that corrupts our government today is that Capitol Hill has become, as Representative Jim Cooper put it, a "farm league for K Street." But K Street will lose interest after seven years, and fewer in Congress would think of their career the way my law students think about life after law school—six to eight years making around \$180,000, and then doubling or tripling that as a partner, where "partnership" for members of Congress means a comfortable position on K Street.

Before the Supreme Court's decision in *Citizens United v. FEC*, I thought these changes alone would be enough at least to get reform started. But the clear signal of the Roberts Court is that any reform designed to muck about with whatever wealth wants is constitutionally suspect. And while it would take an enormous leap to rewrite constitutional law to make the Fair Elections Now Act unconstitutional, *Citizens United* demonstrates that the Court is in a jumping mood. And more ominously, the market for influence that that decision will produce may well overwhelm any positive effect that Fair Elections produces.

This fact has led some, including now me, to believe that reform needs people who can walk and chew gum at the same time. Without doubt, we need to push the Fair Elections Now Act. But we also need to begin the process to change the Constitution to assure that reform can survive the Roberts Court. That constitutional change should focus on the core underlying problem: institutional independence. The economy of influence that grips Washington has destroyed Congress's in-

dependence. Congress needs the power to restore it, by both funding elections to secure independence and protecting the context within which elections occur so that the public sees that integrity.

No amendment would come from this Congress, of course. But the framers left open a path to amendment that doesn't require the approval of Congress—a convention, which must be convened if two-thirds of the states apply for it. Interestingly (politically) those applications need not agree on the purpose of the convention. Some might see the overturning of *Citizens United*. Others might want a balanced budget amendment. The only requirement is that two-thirds apply, and then begins the drama of an unscripted national convention to debate questions of fundamental law.

Many fear a convention, worrying that our democracy can't process constitutional innovation well. I don't share that fear, but in any case, any proposed amendment still needs thirty-eight states to ratify it. There are easily twelve solid blue states in America and twelve solid red states. No one should fear that change would be too easy.

No doubt constitutional amendments are politically impossible—just as wresting a republic from the grip of a monarchy, or abolishing slavery or segregation, or electing Ronald Reagan or Barack Obama was “politically impossible.” But conventional minds are always wrong about pivot moments in a nation's history. Obama promised this was such a moment. The past year may prove that he let it slip from his hand.

For this, democracy pivots. It will either spin to restore integrity or it will spin further out of control. Whether it will is no longer a choice. Our only choice is how.

Imagine an alcoholic. He may be losing his family, his job and his liver. These are all serious problems. Indeed, they are among the worst problems anyone could face. But what we all understand about the dependency of alcoholism is that however awful these problems, the alcoholic cannot begin to solve them until he solves his first problem—alcoholism.

So too is it with our democracy. Whether on the left or the right, there is an endless list of critical problems that each side believes important. The Reagan right wants less government and a simpler tax system. The progressive left wants better healthcare and a stop to global warming. Each side views these issues as critical, either to the nation (the right) or to the globe (the left). But what both sides must come to see is that the reform of neither is possible until we solve our first problem first—the dependency of the Fundraising Congress.

This dependency will perpetually block reform of any kind, since reform is always a change in the status quo, and it is defense of the status quo that the current corruption has perfected. For again, as Obama said:

If we're not willing to take up that fight, then real change—change that will make a lasting difference in the lives of ordinary Americans—will keep getting blocked by the defenders of the status quo.

“Defenders of the status quo”—now including the souls that hijacked the movement Obama helped inspire. ■

CounterPunch Books

“Roberts combines the technical understanding of a PhD economist, the political savvy of a former Assistant Secretary of the Treasury, the clear focused brevity of a practiced journalist, and the passion of a patriotic citizen angered at the plunder of our country by a greedy elite. Highly recommended!”

— Herman E. Daly, former World Bank economist

HOW THE ECONOMY WAS LOST

The War of the Worlds

PAUL CRAIG ROBERTS

“Paul Craig Roberts forcefully expresses many unpopular truths that we overlook at our peril.”— Ralph Gomory

“The passion of a patriotic citizen angered at the plunder of our country by a greedy elite. Highly recommended!”— Herman E. Daly



Paul Craig Roberts' weekly columns on counterpunch.org have won an audience of millions round the world, explaining how America is held hostage by a gangster elite. Now he's written the shortest, sharpest history of economics for the 21st century ever put between covers. Amid crisis, this is the guide you've been waiting for.

To order **CounterPunch** books and newsletter subscriptions call **1 (800) 840-3683** or visit our website **www.counterpunch.org**
The Most Widely Read Radical Website In The English Language

Blackwater's Youngest Victim

Nine-year-old Ali Kinani died from a gunshot wound to the head in the Nisour Square massacre. His father may be the one man standing between Blackwater and total impunity.

by JEREMY SCAHILL

Every detail of September 16, 2007, is burned into Mohammed Kinani's memory. Shortly after 9 AM he was preparing to leave his house for work at his family's auto parts business in Baghdad when he got a call from his sister, Jenan, who asked him to pick her and her children up across town and bring them back to his home for a visit. The Kinanis are a tightknit Shiite family, and Mohammed often served as a chauffeur through Baghdad's dangerous streets to make such family gatherings possible.

Mohammed had just pulled away from his family's home in the Khadamiya neighborhood in his SUV. His youngest son, 9-year-old Ali, came tearing down the road after him, asking his father if he could accompany him. Mohammed told him to run along and play with his brothers and sister. But Ali, an energetic and determined kid, insisted. Mohammed gave in, and off the father and son went.

As Mohammed and Ali drove through Baghdad that hot and sunny Sunday, they passed a newly rebuilt park downtown. Ali gazed at the park and then turned to his father and asked, "Daddy, when are you gonna bring us here?"

"Next week," Mohammed replied. "If God wills it, son."

Ali would never visit that park. Within a few hours, he would be dead from a gunshot wound to the head. While you may never have heard his name, you probably know something about how Ali Mohammed Hafedh Kinani died. He was the youngest person killed by Blackwater forces in the infamous Nisour Square massacre.

In May 2008 Mohammed flew to Washington to testify in front of a grand jury investigating the shooting. It was his first time out of Iraq. The US Attorney, Jeffrey Taylor, praised Mohammed for his "commendable courage." A year after the shooting, in December 2008, five Blackwater guards were indicted on manslaughter charges, while a sixth guard pleaded guilty to killing an unarmed Iraqi. American justice, it seemed to Mohammed, was working. "I'm a true believer in the justice and fairness of American law," he said.

But this past New Year's Eve, federal Judge Ricardo Urbina threw out all the criminal charges against the five Blackwater guards. At least seventeen Iraqis died that day, and prosecutors believed they could prove fourteen of the killings were unjustified. The manslaughter charges were dismissed, not because of a lack of evidence but because of what Urbina called serious misconduct on the part of the prosecutors.

Then, a few days after the dismissal of the criminal case,



Mohammed Kinani holds a picture of his son Ali

Blackwater reached a civil settlement with many of the Nisour Square victims, reportedly paying about \$100,000 per death.

Blackwater released a statement declaring it was "pleased" with the outcome, which enabled the company to move forward "free of the costs and distraction of ongoing litigation." But Mohammed Kinani would not move on. He refused to take the deal Blackwater offered. As a result, he may well be the one man standing between Blackwater and total impunity for the killings in Nisour Square.

On September 15, 2009, the night before the second anniversary of his son's death, Mohammed Kinani sued Blackwater in its home state of North Carolina, along with company owner Erik Prince and the six men Mohammed believes are responsible for his son's death. In an exclusive interview providing the most detailed eyewitness account of the massacre that has yet been published, Mohammed told his story to *The Nation*.

Mohammed Kinani, 38, is a gentle man, deeply religious and soft-spoken. When we meet, he takes off his hat as he greets me with a slight bow. He then presents me with a gift—a box of baklava—and insists that we try some right away. Before we sit down to discuss the events that led to the death of his son, Mohammed goes out of his way to assure me that no question is off limits and that he wants Americans to know what happened

Jeremy Scabill, a Puffin Foundation Writing Fellow at The Nation Institute, is the author of the bestselling Blackwater: The Rise of the World's Most Powerful Mercenary Army.

that day. It was as though he was telling me it was OK to ask him to relive the horror. "Those few minutes in Nisour Square, I will never forget; so whatever you ask me, I will answer with absolute clarity," he said.

Before we talk about Nisour Square, Mohammed tells me about his life. He was born in Baghdad in 1971 and grew up in a large home with his siblings, aunts, uncles and grandparents. His father, Hafedh Abdulrazzaq Sadeq Kinani, was a merchant who traded cars and auto parts. After high school, Mohammed enrolled at a technical institute in Baghdad but ultimately dropped out to take over the family business with his brothers. He avoided mandatory military service in Saddam's forces by paying his way out. He married a relative from his mother's side of the family and bought a home in Baghdad's al Adel neighborhood, and they had three sons and a daughter. Mohammed said his family despised Saddam, "a dictator who stole people's freedom."

Mohammed welcomed the arrival of US forces in Baghdad in April 2003. "On the first day the US Army entered Baghdad I was personally giving away free juice and candy in the street," Mohammed remembers. He and Ali would give out water and take photos with the troops when Humvees passed by their house. "One of the soldiers even carried Ali on board one of the Humvees and took a photo with my son," Mohammed remembers. "My son loved the American Army."

In November 2006, as sectarian violence spread across Baghdad, Mohammed and his family were driven from their home by a prominent Sunni militia leader, and they moved into Mohammed's parents' home. Mohammed was devastated, but he also saw it as part of the price of freedom. "We cannot question God's plans," he says.

Before September 16, 2007, Mohammed had never heard of Blackwater. When he would stop at a US checkpoint, he would smile at the soldiers and thank them for being there. Ali enjoyed sticking his head out the window at checkpoints and telling Iraqi police, "I'm in the Special Forces." The police would laugh, Mohammed recalls, and wave him through, saying, "You're one of us." So when Mohammed found himself in a traffic jam that he thought was the result of a US military checkpoint at Nisour Square, nothing seemed out of the ordinary to him.

To pick up his sister, Mohammed would have to pass Nisour Square twice. The first time he passed, he noticed it was extremely congested. There was a construction project nearby and Iraqi police lingering on the roadside directing traffic. Eventually, he and Ali picked up Jenan and her three children and began the return journey.

A few blocks from the square, they encountered two Iraqi checkpoints and were waved through. As they approached the square, they saw one armored vehicle and then another, with men brandishing machine guns atop each one, Mohammed recalls. The armored cars swiftly blocked off traffic. One of the gunners held both fists in the air, which Mohammed took as a gesture to stop. "Myself and all the cars before and behind me stopped," Mohammed says. "We followed their orders. I thought they were some sort of unit belonging to the

American military, or maybe just a military police unit. Any authority giving you an order to stop, you follow the order." It turns out the men in the armored cars were neither US military nor MPs. They were members of a Blackwater team code-named Raven 23.

As the family waited in traffic, two more Blackwater vehicles became visible. Mohammed noticed a family in a car next to his—a man, woman and child. The man was staring at Mohammed's car, and Mohammed thought the man was eyeing Jenan. "I thought he was checking my sister out," Mohammed remembers. "So I yelled at him and said, 'What are you looking at?'" Mohammed noticed that the man looked frightened. "I think they shot the driver in the car in front of you," the man told him.

Mohammed scanned the area and noticed that the back windshield of the white Kia sedan in front of him was shattered. The man in the car next to Mohammed began to panic and tried to turn his car around. He ended up bumping into a taxi, and an argument ensued. The taxi driver exited his car and began yelling. Mohammed tried to break up the argument,

The shooting was 'random yet still concentrated. It was focused on what they aimed at and still random as they shot in all directions.'

telling the taxi driver that a man had been shot and that he should back up so the other car could exit. The taxi driver refused and got back into his vehicle.

At that point, an Iraqi police officer, Ali Khalaf Salman, approached the Kia sedan, and it started to slowly drift. The driver had been shot, and the car was gliding in neutral toward a Blackwater armored car. Salman, in an interview, described how he tried to stop it by pushing backward. He saw a panicked woman inside the car; she was clutching a young man covered in blood who had been shot in the head. She was shrieking, "My son! My son! Help me, help me!" Salman remembered looking toward the Blackwater shooters. "I raised my left arm high in the air to try to signal to the convoy to stop the shooting." He said he thought the men would cease fire, given that he was a clearly identified police officer.

"As the officer was waving, the men on the armored cars started shooting at that car," Mohammed says. "And it wasn't warning shots; they were shooting as in a battle. It was as though they were in a fighting field. I thought the police officer was killed. It was insane." Officer Salman managed to dive out of the way as the bullets rained down. "I saw parts of the woman's head flying in front of me," recalled his colleague Officer Sarhan Thiab. "They immediately opened heavy fire at us."

That's how the Nisour Square massacre began.

"What can I tell you?" Mohammed says, closing his eyes. "It was like the end of days."

Mohammed would later learn that the first victims that day, in the white Kia, were a young Iraqi medical student, Ahmed Haithem Al Rubia'y, and his mother, Mahassin, a physician.

Mohammed is crystal clear that the car posed no threat. "There was absolutely no shooting at the Blackwater men," he says. "All of a sudden, they started shooting in all directions, and they shot at everyone in front of them. There was nothing left in that street that wasn't shot: the ground, cars, poles, sidewalks; they shot everything in front of them." As the Blackwater gunners shot up the Rubia'ys' vehicle, Mohammed said, it soon looked like a sieve "due to how many bullet holes it had." A Blackwater shooter later admitted that they also fired a grenade at the car, causing the car to explode. Mohammed says the Blackwater men then started firing across the square. "They were shooting in all directions," he remembers. He describes the shooting as "random yet still concentrated. It was concentrated and focused on what they aimed at and still random as they shot in all directions."

One of the Blackwater shooters was on top of an armored vehicle firing an automatic weapon, he says. "Every time he would finish his clip, he would throw it on the ground and would load another one in and would start shooting again, and finish the new one and replace it with another." One young Iraqi man got out of his car to run, and as he fled, the Blackwater shooter gunned him down and continued firing into his body as it lay on the pavement, Mohammed says. "He was on the ground bleeding, and they're shooting nonstop, and it wasn't single bullets." The Blackwater shooter, he says, would fire at other Iraqis and cars and then return to pump more bullets into the dead man on the ground. "He sank in his own blood, and every minute the [Blackwater shooter] would shoot left and right and then go back to shoot the dead man, and I could see that his body would shake with every bullet. He was already dead, but his body was still reacting to the bullets. [The shooter] would fire at someone else and then go back to shoot at this dead man." Shaking his head slowly, Mohammed says somberly, "The guy is dead in a pool of blood. Why would you continue shooting him?"

In his vehicle, as the shooting intensified, Mohammed yelled for the kids to get down. He and his sister did the same. "My car was hit many times in different places. All I could hear from my car was the gunshots and the sound of glass shattering," he remembers. Jenan was frantic. "Why are they shooting at us?" she asked him. Just then, a bullet pierced the windshield, hitting Jenan's headrest. Mohammed shows me a photo of the bullet hole.

As gunfire rained on the SUV, Jenan grabbed Mohammed's hair, yanked his head down and covered him with her body. "My young sister was trying to protect me by covering me with her body, so I forced myself out of her grip and covered her with my body to protect her. It was so horrific that my little sister, whom I'm supposed to protect, was trying to protect me." Mohammed managed to slip his cellphone from his pocket and was going to call his father. "It's customary that when in agony before death, you ask those close to you to look after your loved ones," he says. Jenan demanded that Mohammed put down the phone, reminding him that their father had had two strokes already. "If he hears what's happening, he'll die immediately," she said. "Maybe he'll die before us."

At that moment, bullets pierced the SUV through the front

windshield. A bullet hit the rearview mirror, causing it to whack Mohammed in the face. "We imagined that in a few seconds everyone was going to die—everyone in the car, my sister and I and our children. We thought that every second that passed meant one of us dying." He adds, "We remained still, my sister and I. I had her rest her head on my lap, and my body was on top of her. We'd sneak a peek from under the dashboard, and they continued shooting here and there, killing this one and that one."

And then the shooting stopped.

Ali and his father were inseparable. Ali's older brothers called him "Daddy's favorite," and the family affectionately called him by his kid nickname, Allawi. "He was the closest of my sons to me. He was my youngest and was always indulged," recalls Mohammed. "He would sleep on my arm. He's 9 and a half years old but still sleeps on my arm. He has his own room, but he never slept alone." When the boy turned 9, Ali's father thought, "This can't go on—him sleeping on my arm as his pillow. So I said, 'Son, you're older now; go sleep like your brothers, in your bed in your room. It doesn't work anymore; you're getting older. You're gonna be a man soon.'"

"As you wish, Father," Ali said. "He always said that," Mohammed recalls. "As you wish, Father." Ali left the room, but Mohammed looked over and saw the shadow of Ali's feet under the door. "So I called him in, and Ali opened the door and said, 'Daddy, I'm Allawi, not Ali,'" Mohammed remembers. "He was telling me that he's still young." Mohammed gave in, and Ali slept in his arms again. "He never had a pillow besides my arm," says Mohammed.

As he sat in his severely damaged SUV, Mohammed thought that, in the midst of horror, a miracle had blessed his car. We are alive, he thought. As the Blackwater forces retreated, Mohammed told Jenan he was going to go check on the man who had been repeatedly shot by Blackwater. "I was deeply impacted by that man they continued shooting at," Mohammed recalls. As he exited his car, Mohammed's nephew yelled, "Uncle, Ali is dead. Ali is dead!" Jenan began to scream.

Mohammed rushed around to Ali's door and saw that the window was broken. He looked inside and saw his son's head resting against the door. He opened it, and Ali slumped toward him. "I was standing in shock looking at him as the door opened, and his brain fell on the ground between my feet," Mohammed recalls. "I looked and his brain was on the ground." He remembers people yelling at him, telling him to get out while he could. "But I was in another world," he says. Then Mohammed snapped back to consciousness. He put Ali back in the car and placed his hand over his son's heart. It was still beating. He got in the driver's seat of his car, tires blown out, radiator damaged, full of bullets, liquids leaking everywhere, hoping still that he could save Allawi's life. Somehow he managed to get the car near Yarmouk Hospital, right near the square. He picked up Ali and ran toward the hospital. He nearly collapsed on the road, and an Iraqi police officer took Ali from his arms and ran him into the hospital.

Mohammed checked that the other children were safe and

No crowded malls, no waiting in line, no confusing sales people

Three reasons the Jitterbug experience is simply better.

Let's start with the Jitterbug J, a simplified cell phone created to provide an alternative to prepaid hassles or the restricting phones and service you often get with a family plan. Designed in partnership with worldwide leader Samsung, Jitterbug is the original, easy to use cell phone experience that has others trying to imitate. The patented design features the Jitterbug EasyDial™ keypad and a large color screen, without any complicated menus or icons. The powerful speaker delivers crystal clear sound and features a dial tone just like your phone at home.

I'm one of a kind!

Secondly, our commitment to a friendly, personal service is at the core of everything we do. Providing knowledgeable, 24-hour customer service based in the United States takes extra effort, but we believe you're worth it. We'll greet you by name and update your Phone Book at the touch of a button. We're dedicated to providing our customers with exceptional service, every day, seven days a week. That's our promise to you.



FREE GIFT! CALL NOW and receive a free car charger with activation, a \$24⁹⁹ value!¹

1-877-545-6339

Please mention promo code 40104



Also available in white.

Finally, we offer exclusive services that give you the freedom to personalize your Jitterbug and make staying in touch easier than ever. With added value like Simple Text messaging, LiveNurse and Roadside Assistance, the Jitterbug experience is in a class by itself. And to prove it, we've made MyCalendar free for all our customers to help you keep track of important dates, appointments, even birthdays. We've also created a website called MyJitterbug.com, where you can update MyCalendar, edit your personal information and check in on your monthly minutes. All of this begins with plans starting at just \$14⁹⁹ a month, with no contracts.

Find out for yourself why there's nothing else like the personal service experience you get from Jitterbug. Visit us online at Jitterbug.com or call today, 1-877-545-6339.

Exceptional phone. Exceptional service.

Monthly Minutes	50	100	200	New
Monthly Rate	\$14 ⁹⁹	\$19 ⁹⁹	\$29 ⁹⁹	New
Monthly Minute Carry Over	60 Days	60 Days	60 Days	New
Night/Weekend Minutes	—	—	500	New
Operator Assistance	24/7	24/7	24/7	
Long Distance Calls	FREE	FREE	FREE	
MyCalendar	FREE	FREE	FREE	New
Nationwide Coverage	YES	YES	YES	

Other plans available. Ask your Jitterbug expert for details.

Questions about Jitterbug?

Try our pre-recorded Toll-Free Hotline

1-877-763-3256



jitterbug.com

jitterbug®

Subject to Customer Agreement, select calling plans and credit approval. Other charges and restrictions may apply. Screen images simulated. Coverage and service not available everywhere. 1 This GreatCall offer is good with phone activation through 3/15/10. 2 For each Operator service, you'll be charged a 5-minute "Operator assistance fee" in addition to the minutes used both for the length of the call with the Operator and any call connected by the Operator. 3 Not including government taxes, assessment surcharges and activation fee. 4 Refund applies to monthly service charges and phone only in the following conditions: call time usage is less than 30 minutes, otherwise usage charges apply; phone is purchased directly from Jitterbug and returned in like-new condition. Phone and monthly service charges are refunded separately. Phones purchased at retail locations are subject to the return policies of those specific retail stores and may not qualify for a refund. Prices and fees are subject to change. Copyright © 2009 GreatCall, Inc. Jitterbug is a registered trademark of GreatCall, Inc. Samsung is a registered trademark of Samsung Electronics America, Inc. and its related entities. Created together with worldwide leader Samsung. Typical plan information (most popular, not including family share plans) is based on marketing materials from nationally available cellular companies as of June, 2009. A76

then dashed to the hospital. "I entered the emergency room, and blood was everywhere—dead people, injured people everywhere," he remembers. "My son was in the last bed; the doctor was with him and had already hooked him with an IV line." As Mohammed stood by Ali's bed, the doctor told him that Ali was brain-dead. "His heart is beating," the doctor said, "and it will continue to beat until he bleeds out and dies." The doctor told him that if there were any hope to be found, it would require taking Ali in an ambulance to a neurological hospital across town. The fastest route meant that they had to pass through Nisour Square. Iraqi police stopped them and told them they could not pass. "The US Army is here and won't let you through," the officer told them. The driver took an alternate route and was going so fast the ambulance almost crashed twice. When they got to the hospital, Mohammed offered to pay the driver—at least for the gas, which is customary. The driver refused. "No, I would like to donate blood to your son if he needs it," he told Mohammed. A few moments later, Mohammed stood with a doctor who told him there was nothing they could do. Ali was dead.

Mohammed wanted to take his son's body home with him, but the hospital regulations required that he get papers from the police. So Mohammed had to leave. He spent hours tracking down the right authority to sign off. Finally he was able to take Ali's body to prepare him for a Muslim burial. That night there was no electricity in Baghdad, so they had to run a generator to keep air-conditioning going to protect Ali's body from the sweltering heat. The next morning they took Ali to the southern holy city of Najaf to be buried at the family plot. "As Muslims, we believe that Ali died innocent with no obligation," says Mohammed. "My son died at an age where there were no strings attached. My son was young and innocent, so he flew up [to heaven] like a white dove. This is what's making it easier on me. I always tell my wife that your son is a bird in heaven, he's with God and when we die we will be united eternally." Mohammed looks down and then up. "I still thank God for everything. I thank him because we were six in that car, and he's the only one to go. Although that one is a piece of my heart, it happened and I can't change it. I have my other kids that I will raise, and hopefully I'll be able to keep them safe."

After Ali's death, some of Mohammed's friends came to him and asked him if the death had changed his attitude toward the Americans. It hadn't, he told them. "I honestly separate distinctly between Blackwater and the American people and the American government," he says. "I honestly love America and the American people. What happened to my family is totally isolated from the American people and government."

Mohammed carries with him a letter to his family signed by Gen. Ray Odierno, commander of US forces in Iraq, dated June 25, 2009. The letter is the result of an extraordinary gesture made by the Kinanis after Ali's death. The US Embassy offered to provide a \$10,000 condolence payment to the families of the victims of Nisour Square, making clear it was not a remedy for what happened and not a substitute for any potential legal action against the shooters. Initially Mohammed refused

the money, but the embassy pursued his family, urging them to take it. They eventually did, but with one condition: that the US military accept a \$5,000 donation from the Kinanis to the family of a US soldier killed in Iraq. Mohammed's wife, Fatimah, delivered the gift to the US Embassy. "My wife labeled it as a gift from a mother who sacrificed a son on the path to freedom, a gift from Ali's family to whichever US military family the embassy chose, to any soldier's family that was killed here in Iraq, who lost his life in Iraq for the sake of Iraq." Soon thereafter, Fatimah received the letter from General Odierno. "Your substantial generosity on behalf of the families of fallen American soldiers has touched me deeply," Odierno wrote.

After Ali's death, the thought of suing Blackwater didn't cross Mohammed's mind. He readily cooperated with the US military and federal investigators, and he believed that justice would be done in America. But when he would go to the US Embassy, Mohammed recalls, he would get "hammered there. They all wanted me to shut up so they could defend Blackwater." He says an embassy official tried to convince him that there had been a firefight that day, not a massacre. Mohammed was unfazed by what he considered a grand lie and continued to cooperate with the US investigation. Then, he says, Blackwater stepped in.

In a letter to ABC News threatening a defamation lawsuit for a story the network had done about Nisour Square, a Blackwater attorney denied that Blackwater had killed Ali, claiming instead that he was killed by "a stray bullet" possibly fired by the US military "an hour after Blackwater personnel had departed the scene." The letter claimed Ali was killed by a "warning shot" that "ricocheted and killed the nine-year-old boy." It said it was not "even possible" Blackwater "was responsible."

Then an Iraqi attorney working with Blackwater approached Mohammed. But he wasn't just any lawyer. Ja'afar al Moussawy was the chief prosecutor of the Supreme Iraqi Criminal Tribunal, which prosecuted Saddam Hussein and other leading officials. He was *the* Iraqi lawyer.

Mohammed agreed to meet with Moussawy and Blackwater's regional manager. When Mohammed arrived at the Blackwater headquarters in the Green Zone, there was a lunch spread laid out on the table. Moussawy asked Mohammed if he wanted to eat, and Mohammed said he would, "to show you that I have nothing against you personally." Mohammed says he told them, "My problem is not with any of you, rather with the guys who killed my son." After lunch, the manager asked Mohammed to tell him what happened in the square that day. Mohammed did. The manager then said he had an offer for him.

"We want to give you \$20,000," Mohammed recalls the Blackwater manager saying.

"I'm not taking a penny from you," Mohammed told him. "I want no money."

Mohammed asked for a blank piece of paper and a pen. "Look, I have the paper and I can sign and waive all my [legal] rights. All my rights, I will sign away now, but under one condition: I want the owner of Blackwater to apologize to me publicly in America and say, 'We killed your son, and we're sorry.' That's all I want."

The Blackwater manager asked Mohammed why it was so

important to have an apology. Mohammed reminded him of Blackwater owner Erik Prince's Congressional testimony two weeks after the Nisour Square shootings. In his testimony, Prince said his men "acted appropriately at all times" at Nisour Square and that the company had never killed innocent civilians, except perhaps by "ricochets" and "traffic accidents." At that hearing, on October 2, 2007, a document was produced showing that before Nisour Square the State Department, Blackwater's employer, had coordinated with Blackwater to set a low payout for Iraqi shooting victims because, in the words of a department security official, if it was too high Iraqis may try "to get killed by our guys to financially guarantee their family's future."

Mohammed said he wanted Prince to publicly reject this characterization of "Iraqis as mercenaries." The Blackwater manager, he says, told him Blackwater does not apologize. "You killed my son!" Mohammed exclaimed. "What do you want, then? Why did you bring me here?"

Mohammed then confronted the Blackwater manager about the letter to ABC News. "I told him that Blackwater was trying to stain the reputation of the American Army" by blaming US soldiers for Ali's death. Mohammed recalls asking, "Aren't you an American company, and this is your national army? Why would you do this to your own?" Mohammed says he threw the pen and paper at the Blackwater manager and left. In a statement to *The Nation*, a Blackwater spokesperson confirmed that the company had offered Mohammed a "condolence payment" and that he declined it.

It was then that Mohammed decided that his best recourse would be to cooperate with the US criminal investigation of the incident and to sue Blackwater in civil court in the United States. "I want Blackwater, who refused to apologize, to get what they deserve according to the rule of law," Mohammed says. "I had no other option but to go down the legal path, to have justice applied—something that will be comforting to victims' families and something that might deter other criminals from committing the same act."

Mohammed's American lawyers contend, as did federal prosecutors, that the Blackwater men disobeyed orders from superiors not to leave the Green Zone, which ultimately led to the shooting at Nisour Square, and that they did not follow proper State Department guidelines for the use of force, instead shooting unprovoked at Mohammed's car and the other civilians in the square. They also allege that Blackwater was not guarding any US official at the time of the shooting and that the Nisour Square killings amounted to an offensive operation against unarmed civilians. "Blackwater was where it shouldn't have been, doing something it was not supposed to do," says Mohammed's lawyer Gary Mauney. They "weren't even supposed to be in Nisour Square, and if they hadn't have been, no shootings would have occurred."

Unlike the other civil suits against Blackwater, which were settled in federal court in January, Mohammed's case was filed

in state court in North Carolina. It is also different because Mohammed is directly suing the six Blackwater men he believes were responsible for the shooting that day. The suit also argues that Prince and his network of Blackwater companies and affiliates are ultimately responsible for the conduct of the men at Nisour Square. The Blackwater shooters "weren't doing anything related to their work for the government," Mauney says. "After the events happened, Blackwater came out and said, 'We support what they did. We think it was justified.' They ratified the conduct of their employees."

Moreover, Mohammed's lawyers contend that the evidence that was ruled inadmissible in the criminal Nisour Square case because it was obtained in exchange for a promise of immunity and reportedly under threat of termination is valid evidence in their civil case. Several statements by Blackwater guards who were at the square that day directly bolster Mohammed and other Iraqis' claim that it was an unprovoked shooting.

Perhaps the most potent piece of evidence in Mohammed's case comes from one of the men he is suing. Jeremy Ridgeway, a turret gunner on the Raven 23 team that day, pleaded guilty

'I want Blackwater, who refused to apologize [for killing my son], to get what they deserve according to the rule of law,' says Mohammed.

to killing an unarmed civilian. In the sworn proffer that accompanied his guilty plea, Ridgeway admitted that he and the other five defendants "opened fire with automatic weapons and grenade launchers on unarmed civilians...killing at least fourteen people" and wounding at least twenty others. "None of these victims was an insurgent, and many were shot while inside of civilian vehicles that were attempting to flee" the Blackwater forces. Ridgeway also admitted that Raven 23 had "not been authorized" to leave the Green Zone and that after they departed, they "had been specifically ordered" by US Embassy officials to return. "In contravention of that order," they proceeded to Nisour Square. Ridgeway admitted to shooting and killing Dr. Al Rubia'y in the Kia sedan, adding that another Blackwater shooter launched an M-203 grenade, "causing the vehicle to erupt in flames." He acknowledged that "there had been no attempt to provide reasonable warnings to the driver." As the Raven 23 convoy exited the square against the flow of traffic, Ridgeway admitted, Blackwater forces "continued to fire their machine guns at civilian vehicles that posed no threat to the convoy."

Evidence in the criminal case also reveals that three other men in the Raven 23 convoy—Adam Frost, Mark Mealy, Matthew Murphy—were "horrified" at what their colleagues had done in the square that day. In a journal entry he wrote after the shooting, Frost recounted returning to the Green Zone, where he and Murphy confronted the men who did the killings at Nisour Square. "We started to curse at them and tell each other how fucked up they were," he wrote. "We could not believe what we had just seen." Murphy told the grand jury his colleagues were

shooting “for nothing and for no reason.” Mealy described two of the defendants, Evan Liberty and Paul Slough, giving each other high-fives, “patting each other on the back and bragging about what a great job they had done.” In his testimony, Murphy described what he had seen that day as “pretty heinous shit.”

Frost, who prosecutors say did not fire his weapon at Nisour Square, wrote in his journal that he “prayed for comfort to be given to those families that we had broken.” When the FBI launched its investigation of the shooting, Frost said he was “strongly encouraged,” though not ordered, by Blackwater management not to answer its questions. He said a Blackwater manager had told him that the company was already fully cooperating with the State Department and had been honest in detailing the shooting. “I thought to myself, You fuckers have been anything but honest with the State Department and their investigation,” Frost wrote.

Mauney and his partner, Paul Dickinson, believe that these statements and others like them, along with the accounts of scores of Iraqi witnesses and forensic evidence, paint a case of overwhelming guilt on the part of the Blackwater shooters who killed Ali Kinani and the other Iraqis that day. “I think it’s important for folks to know that Blackwater has not won,” says Mauney. In addition to Mohammed, Mauney and Dickinson represent five other families impacted by Nisour Square, includ-

ing those of two others killed by Blackwater. “They’ve come here with a heart full of belief in the US justice system,” says Dickinson. In late January on a visit to Baghdad, Vice President Joe Biden announced that the United States would appeal the dismissal of the criminal cases, saying the judge’s ruling was “not an acquittal.” Blackwater’s lawyers have said they believe the appeal will fail.

As we wrap up the interview, Mohammed Kinani gathers up all the photos he has brought to show me: pictures of Ali and his other children, pictures of his wife and of his severely damaged car. He stops and stares at a school portrait of Ali. We look at a video on his laptop of his home—which is currently occupied by the Sunni militia leader—and then he pauses and clicks on another video file. The screen pops up, and there is Ali, hopping around a swimming pool with his cousins and siblings. With a wide smile, Ali approaches Mohammed’s cellphone camera and says, “I am Allawi!”

Mohammed tells me, “I wish the US Congress would ask [Erik Prince] why they killed my innocent son, who called himself Allawi. Do you think that this child was a threat to your company? This giant company that has the biggest weapons, the heaviest weapons, the planes, and this boy was a threat to them?” he says. “I want Americans to know that this was a child who died for nothing.” ■

Letters

(continued from page 2)

will never recognize Israel. Belonging to the Muslim Brotherhood, Hamas sticks to its religious vision of an Islamic state from the sea to the desert. This is broadcast from Gaza on TV and radio, and taught in schools managed by the organization. Here, there is no change whatsoever, not even “low-key.” To pick up as argument the conflict between Hamas and the Islamist groups close to Al Qaeda is dead wrong: the Brotherhood was always against bin Laden, for both religious and political reasons. I write in my book *Le grand aveuglement: Israël et l’irrésistible ascension de l’Islam radical* (Albin Michel, Paris) that Hamas and the Palestinian Islamic Jihad already rejected, at the 1994 Khartoum meeting of all Islamist movements, a proposal from bin Laden to participate in a global jihad.

Some writers imagine that Hamas is going through the same process the PLO went through and will gradually become pragmatic. This comparison is mistaken. When the organization of Yasir Arafat started its ideological shift at the end of the 1970s, they had an intense ideological debate and met Israelis, secretly and publicly. But they were Palestinian nationalists, while Hamas is a religious movement. Sheik Ahmed Yassin, the founder of Hamas, drew

the red lines for any future indirect deals with Israel: no recognition, no direct talks and a truce limited in time only if it serves the interests of Hamas. It seems that any change in its position will remain low-key.

CHARLES ENDERLIN

Gerges Replies

LONDON

While Sheik Yassin’s statement evokes Hamas’s original position toward Israel before his death in 2004, Hamas’s current leaders have taken important steps to soften and moderate the organization’s stance. Hamas still has a long way to go before recognizing Israel, but it has taken the steps, gradual but generally in the right direction.

A change is stirring in Hamas. Since being elected, it has been forced to moderate in order to govern effectively. It is no longer an opposition party representing one particular group; it is a party that has responsibility for the entire Palestinian people. Hamas has shown that it can be a rational actor and knows its future in government depends on re-election. Hamas has broadened its purpose beyond being purely a religious movement and now resembles a nationalist political movement.

While at first glance Hamas leaders’ statements—that they are willing to accept a Palestinian state in the West Bank, Gaza and East Jerusalem but never recognize the state of Israel—may appear contradictory, it shows the gradual progress the leadership has made toward seeking peace with Israel. Hamas knows that the best solution for Palestinians is a state that is not constantly under attack by Israel. Hamas leaders also know that in order to appease the more radical elements of the organization, the leadership must make statements to satisfy them. As a political scientist and historian, I know that movements that have taken such a path often moderate even further as their position is institutionalized into the rules and norms of the international system.

Hamas has even shown that it will clamp down on groups that do not accept any agreement with Israel—note the crackdown on the Salafi-jihadi factions in Gaza. It is more than just an antipathy toward groups associated with Osama bin Laden. This is the behavior of a rational actor making slow steps on the long road to peace. There are no guarantees that these steps will lead anywhere, but they go in the right direction. Is it not irrational to ignore those changes and treat Hamas as a monolith, frozen in time and space?

FAWAZ A. GERGES

Books & the Arts.

Swing Time

by D.D. GUTTENPLAN

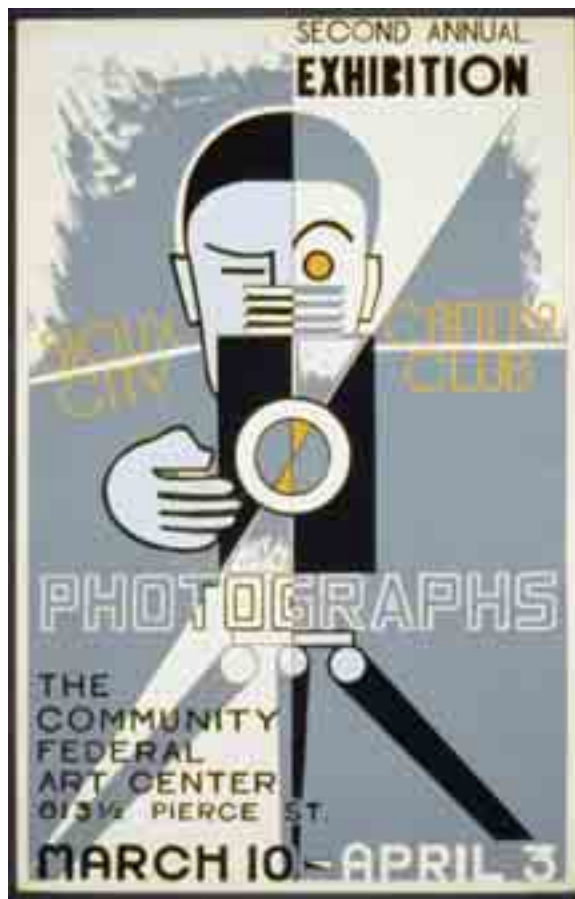
You probably don't remember where you were when Lionel Trilling died. But I bet Morris Dickstein does. The death of America's most prominent literary critic on November 5, 1975, made the front page of the *New York Times*—with the story continuing for another 2,000 words after the jump. My friends and I—all Columbia undergraduates at the time—gathered around a bench in the middle of Broadway, not far from Trilling's office, debating the impact of this one man on American literature, an impact that seems unimaginable today. Yet as I read through *Dancing in the Dark*, Dickstein's elegant, evocative and passionate defense of the culture of the Great Depression, I found my thoughts turning again and again to the cool, genteel mandarin whose embrace of the complex ambiguities of literary Modernism, and disdain for the vulgarities of the Popular Front, did so much to shape our sense of the 1930s.

Those readers who, either by birth date or education, escaped the influence of Trilling's Olympian pronouncements may find it difficult to credit or even understand the chilling effect such denigration had on the taste of an entire generation. We still, after all, have literary critics, and some of them—Harold Bloom leaps to mind—are not exactly shrinking violets. But Bloom has always cast himself as the underdog in his many battles, a noisy Jewish outcast railing against the ruling pieties of polite literary society, rubbing our noses in the Oedipal rage of poet against predecessor or the messy sexual personas behind the biblical narrative. And though Bloom and Frank Kermode may be the only living critics with Trilling's range or learning, it is hard to see either of them commanding similar acreage from the press on his way out—or compelling such allegiance even among those of us who delight in their judgments. Nor do any of their younger colleagues seem to aspire to such authority: try to imagine what a “school of James Wood” might look like, and you'll see what I mean.

D.D. Guttenplan, who writes from The Nation's London bureau, is the author of American Radical: The Life and Times of I.F. Stone.

Dancing in the Dark is a book best read slowly, perhaps with a DVD player or YouTube close at hand, so that when Dickstein invokes Fred Astaire's “refusal to dance, and the very dance in which he acts this out” in *Swing Time*, you can see exactly what he means. Yet among its many delights, the pleasure of watching the author, a student of Trilling's in the late 1950s and a longtime contributor to *Partisan Review*, kick over his own traces is far from trivial. This is not Dickstein's first crack at filial rebellion. In *Double Agent*, from 1992, he complained that, owing to Trilling's prejudice, “seminal figures like [Theodore] Dreiser and Richard Wright were relegated to the shabby ghetto of propaganda.” And in *Gates of Eden*, published in 1977, Dickstein offered a notably sympathetic account of the culture of the 1960s—a decade the *Partisan Review* crowd regarded with fear and loathing.

True, Dickstein's portrait of the '60s was slanted heavily toward literature (think *Catch-22*, not the Velvet Underground or Ed Roth), a view from the faculty lounge rather than the streets. As a critic he still seems more comfortable discussing William Faulkner or Richard Wright than Harlem rent parties, the Coit Tower or *Snow White*. But *Dancing in the Dark* doesn't merely offer a series of judgments, any one of which would have been anathema to Dickstein's teachers. By confronting our received—and often condescending—ideas about the 1930s head-on, Dickstein lays the ground for his own far more nuanced and affectionate take on Depression culture. In a way, though, his intellectual demolition work on the decade's detractors is at least as important as any new interpretation, because when it comes to the 1930s, most of us still have a great deal of unlearning to do.



Poster for the Sioux City Camera Club, circa 1936

Dancing in the Dark
A Cultural History of the Great Depression.
By Morris Dickstein.
Norton. 598 pp. \$29.95.

Though we now find ourselves in the second year (counting from the collapse of Lehman Brothers) of the second Great Depression, every day the newspapers remind us that the political facts of the 1930s Depression remain hotly contested. No one denies that a terrifying number of American workers were unemployed in 1932 (12 million; approximately 25 percent of the workforce), or that industrial production and the stock market both fell by staggering amounts; and there is some agreement on what caused the contraction in the first place. But why the United States remained in depression longer than most of Western Europe, or which New Deal measures helped matters and which didn't, or whether the kind of economic collapse immortalized in Dorothea Lange's iconic photo-

WORK PROJECTS ADMINISTRATION POSTER COLLECTION, LIBRARY OF CONGRESS

graphs can ever happen again—on such questions there is endless disputation. And if your view of the political landscape of the 1930s is, like Trilling's, essentially a jaundiced one, the culture that flourished in that same contentious soil is hardly going to be attractive. Even Richard Rovere, in the 1930s an editor of *New Masses* and far to Trilling's left, looked back with distaste on the Depression decade as "cheap and metallic and strident." For Rovere, too, the contrast was between "mandarin or avant-garde" literature and a Popular Front culture, promoted by the Communist Party and its literary fellow travelers, that was "corny and vulgar and innocent of any subtlety."

But it wasn't only ex-Communist penitenti who saw little to applaud. In these very pages Jesse Lemisch derided the left's enduring fascination with folk music from the 1930s onward as inauthentic and symptomatic of a larger failure to engage with American reality (see "I Dreamed I Saw MTV

tempt and neglect makes *The Cultural Front* an essential corrective to the cold war view of '30s culture as joyless agitprop, fatally weighed down by ersatz piety toward a mythical "people" who took their pleasures in far less politically redeeming pursuits. But that same missionary zeal also led him to overstate the importance of artists and writers who fit neatly into his story at the expense of those whose relationship to labor unions, the CP or progressive causes generally was less clear-cut. Denning's portrayal of Welles's career as an allegory of anti-fascism is as fascinating as anything written about Welles, and a crucial emendation of the conventional story about an apolitical prodigal who squandered his genius as a shill for Paul Masson wines. Yet the very width of Denning's canvas tends to flatten out critical judgment. Not every work of "ghetto pastoral"—Denning's term for the proletarian coming-of-age novel and its cinematic heirs and assigns, from Mike

Gold's *Jews Without Money* to Francis Coppola's *The Godfather*—was quite as ghetto fabulous as Denning suggests. And though *Citizen Kane*'s place in the film pantheon is secure, at the time, and for decades after-

ward, many more moviegoers, of all classes, took their Depression-era cues from Fred Astaire and Ginger Rogers, two artists who barely signify in Denning's account.

Dickstein sees in populism a synthesis of commercial forms and folk content.

Last Night," October 18, 1986). Though unfairly caricatured as an attack on the whole of Depression culture, Lemisch's dismissal of what he elsewhere called "old-time Popular Front agitprop" didn't offer much encouragement to anyone attempting to get beyond the received view of the decade as one long hootenanny, either.

The definitive historical rebuttal to this skewed picture of the Popular Front's aesthetic legacy was *The Cultural Front*, Michael Denning's masterful examination of the complex weave of political context and cultural practice in the '30s. Denning's book, published in 1997, not only rescued works like *Pins and Needles*, the garment workers' Broadway musical, from the memory hole; it also reminded us that the Orson Welles who made *Citizen Kane* cut his theatrical teeth on the WPA Federal Theatre Project, and that Duke Ellington's *Jump for Joy* was as notable for its political as its musical ambition. From singer Josh White at the Café Society to striking cartoonists at Walt Disney Studios to the novels of Carlos Bulosan and Ernesto Galarza's migrant memoir *Barrio Boy*, Denning underlined the Popular Front's astonishing range of creative accomplishment and political defiance.

But sometimes he protested too much. Denning's fervor to redress decades of con-

Dickstein's generous view of 1930s culture owes much to Denning, Alan Wald (for his own heroic rescue of so much of the literary left) and a host of other curators of cultural memory. But *Dancing in the Dark* aims at something different: "this book traces the tension in thirties culture between a naturalism or populism, with its emphasis on social reality, and a technically innovative modernism, stressing the complications of individual experience." Rather than exalt one at the expense of the other, Dickstein shows how both sides of this tension are inextricably intertwined.

Dickstein recognizes that the ability of working-class Americans to represent themselves was an artistic and political achievement of the first order: "In the cultural wing of the Popular Front, a battery of socially concerned writers, artists, composers, choreographers, and photographers, abetted by the cultural programs of the New Deal, created a left-wing populism that could be urban as well as rural, that lent dignity to common people, recaptured lost elements of America's history and folk heritage, instilled energy and

hope into people who were suffering from fear and privation, and tried to bridge gaps of sympathy and understanding between different races, classes, and regions."

Instead of proselytizing on behalf of the Popular Front, though, Dickstein takes its achievements for granted, proceeding to think aloud about what these various representations might tell us about the way the country imagined itself in a time of crisis. Summoning up a "cultural spectacle" that includes documentary photographs, socially conscious novels, screwball comedies, elegant dance films and "jazz-inflected popular music that may be the best America has ever produced," Dickstein argues that "these works give us intimate glimpses of the inner history of the Great Depression, including its plaintive longing for something better, that place at the end of the Yellow Brick Road. They provide us with singular keys to its moral and emotional life, its dream life, its unguarded feelings about the world."

Though earlier approaches to the culture of the 1930s were either polemical or archaeological, Dickstein is persistently, probing-ly and sympathetically critical, offering fresh readings of works too often either consigned to the dustbin of literary history or dismissed as mere commercial kitsch. Take the case of Mike Gold—cultural commissar of the CPUSA and feared enforcer of literary Stalinism, "a nasty propagandist," writes Dickstein, "who swallowed every shift and betrayal, every violent twist of policy the party sent his way." Dickstein doesn't defend the apparatchik who once dismissed Proust as the "master-masturbator" of bourgeois literature. He merely points out that in *Jews Without Money*, published in 1930 but completed in 1928, Gold "created a powerful style of his own, a style sharply different from [the] documentary naturalism or social realism" he would later champion.

As an example, Dickstein quotes Gold's apostrophe to a "little garbage dump lying forgotten in the midst of tall tenements," admitting that "perhaps on the basis of such passages, the few able literary critics who remember Gold attack him as a sentimentalist and bad stylist." Yet Dickstein continues: "To me Gold's work at such heightened moments takes on some Homeric qualities he assimilated from two of his favorite writers, Whitman and Tolstoy. From Tolstoy he learned simplicity, directness, a preternatural clarity of outline. (He always insisted that Tolstoy was Hemingway's true teacher.) From Whitman he borrowed the direct Homeric apostrophe, the rolling catalog, the tenderness toward creatures and things that, like this

unforgotten junkyard, become emblematic of all despised rejects who make up the ghetto.”

Far from seeing Gold as at best a sociological curiosity, at worst a literary dead end, Dickstein argues that the “abrupt, impacted sentences and paragraphs” of *Jews Without Money* are “long-limbed lines of prose poetry, overheated, feverishly autobiographical, charged with hyperbole for all their would-be realism. Gold was the missing link between the plebeian Whitman, whom he idolized, and the youthful Allen Ginsberg, who must have read him as a Young Communist in the 1930s or early 1940s.” He makes equally interesting observations about Henry Roth—“only on rereading do we discover how much *Call It Sleep* is really written”—and James Agee, who wins our indulgence for his own hyper-purple prose by his willingness to risk “seeming ludicrous by exposing the drama of his own need to be loved and accepted.” And though Faulkner doesn’t fit any of his categories, *As I Lay Dying*, published in the same year as *Jews Without Money*, “tells another kind of truth about poverty.” It’s a shame, though, that Dickstein’s tolerance for exceptionalism doesn’t stretch as far as Wallace Stevens, whose supreme fictions he either caricatures as the work of an “ultimate mandarin” or twists into a kind of premature anti-Modernism. Making the Stevens of *Idea of Order* a social realist *avant la lettre* is quite a stretch, but the criticism of his earlier work is just as unfair.

Yet time and again Dickstein pairs artists from opposite sides of an apparent divide (naturalist/Modernist, populist/avant-garde, documentary/fantasy) only to undermine our ideas about the divide itself, showing, for example, that for Aaron Copland the use of folk elements in ballets such as *Billy the Kid* and *Appalachian Spring* “did not represent a sharp reversal of direction” but had deep roots in both “the modernism of the 1920s” and “the aggressive experimentalism of the early 1930s.” Growing naturally out of the same anthropological turn that produced Carl Sandburg’s 1927 collection *American Songbag* and Zora Neale Hurston’s 1934 folklore anthology *Mules and Men*, this search for the native sources of American culture long predated the Popular Front. (Dickstein also suggests that the increasingly American focus of Copland and the circle around Alfred Stieglitz in New York may have been a response to D.H. Lawrence’s “conviction that American writers had sounded a new note in Western culture.” By steering Americans back to Whitman and encouraging them to reject European models, “Lawrence,” says Dickstein, “had launched the American canon.”)

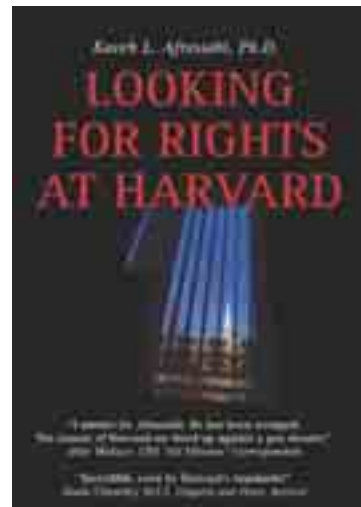
Where Trilling and the *Partisan Review* critics saw in the populism of the 1930s a lamentable and possibly Communist-inspired falling off from the rigors of European High Modernism, Dickstein sees a sophisticated synthesis of commercial forms and folk content that proved uniquely “cathartic for Depression audiences not just by crafting fairy tales of success but by working through the anxieties that give success its resounding immediacy: fears of poverty, solitude, abandonment, loss of hope.” As he points out, Hollywood “had always been populist.” Responding to the accusation, common currency among the cold war liberals of the

1950s, that Hollywood films of the 1930s furnished escape instead of emotion, sentiment in place of self-awareness, Dickstein offers not John Garfield’s *verismo* everyman or the platitudes of Earl Robinson’s *Ballad for Americans* but the democratic vistas dramatized by George and Ira Gershwin: “The Gershwins had discovered that effortless elegance did not require a setting amid high society. It was an inner grace that could just as easily be found on Catfish Row.... This kind of style did not put emotions into abeyance; it *was* those emotions. It was knowing rather than sentimental—adult and worldly rather than brain-dead. The Gershwins in-

COMING SOON

LOOKING FOR RIGHTS AT HARVARD

Kaveh L. Afrasiabi



Read the harrowing true story of human rights violation at Harvard University and the long battle by the author, a renowned Iranian-American political scientist and author of several books and numerous articles in prestigious journals and international newspapers, that spanned several state and federal courts and ultimately reached the Supreme Court of the United States.

“It is outrageous what they have done to him. I admire Afrasiabi for his courage, dignity and the brilliance displayed in his legal battle as a pro se.”

—Howard Zinn, historian and author of
A People’s History of the United States

“I admire Dr. Afrasiabi. He has been wronged. The canons of Harvard are lined up against a peashooter.”

—Mike Wallace, CBS “60 Minutes” Correspondent

Amazon.com • ISBN 978-1-4392-6883-4

LookingForRightsAtHarvard@yahoo.com

fused the 32-bar Tin Pan Alley love song with the syncopated rhythms of jazz and the delicious wit of fine light verse to create something fresh, youthful, and contemporary.”

Once in a while Dickstein misses a trick. He describes *Pins and Needles* as “topical and ephemeral,” when the musical, certainly topical, was also the longest-running Broadway show in history. *Studs Lonigan* may be “half-forgotten” by today’s students, but the trilogy, beloved of Norman Mailer and Pete Hamill, is still in print as a Penguin Classic. And you can only call John Ford’s adaptation of *The Grapes of Wrath* “unusually faithful,” as Dickstein does, if you overlook the fact that the film has a completely different ending. Nor would I agree with Dickstein that Clifford Odets “held his own” before HUAC; the playwright may have been a combative witness, but his bad temper didn’t keep him from naming names.

Still, it’s hard to resist any critic who can

lament that “Delmore Schwartz never wrote about Woody Guthrie.” Especially when, after allowing that “Woody probably never heard of Delmore” either, Dickstein concedes that “the New York intellectuals were surely right about much of what passed for progressive culture” but then goes on to note that “their bitter hostility, so typical of converts, blinded them to genuine expressions of political art, including some of the radical painters and muralists, and of the folk spirit, like Woody Guthrie, just as it blinded them to a deep streak of idealism and radicalism in some who followed the party line through all its demoralizing ‘sharp turns.’”

Dickstein is very good on film and even better on that distinctly ’30s genre, the showbiz musical. In *42nd Street*, he writes, “beleaguered directors, hard-pressed producers, lascivious backers, overworked hoofers, callow juveniles, egocentric stars, and starving chorus girls somehow manage to pull together, overcoming not only the vicis-

situdes of show business but the dire economic conditions of the Depression.” Films like *Stage Door*, *A Star Is Born* and other “Depression fables,” says Dickstein, “lend heft to the endemic optimism of a popular medium by weighing its costs and giving it a convincing emotional truth.”

Movies really do record “the dream life of the 1930s” in ways no other form can match—and Dickstein is perhaps at his best in describing how some of the most superficially escapist films of the decade offer not just solace but a subversive sense of social possibility. *The Wizard of Oz*, he writes, “is a Depression road movie. Once [in Oz] the benign Wizard, perhaps a stand-in for FDR, convinces [Dorothy and her friends] they already have these powers within themselves. By working together they discovered their own strength and found their way home.”

And though Fred and Ginger may wear formal attire, Dickstein finds a democrat under Fred’s top hat: “For Astaire class is motion, energy, pleasure, not static hierarchy. Unlike the upper-class swells in, say, Philip Barry’s plays, Astaire is always the entertainer dressing up, relishing his role as a man of the world, never simply the rich man to the manner born.... There is an instinctive democrat at work (and play) behind Astaire’s joy in dressing up.”

Whereas previous accounts of Depression culture climax with Ma Joad’s peroration to “the people!”—or the audience at *Waiting for Lefty* leaping to its feet and shouting, “Strike! Strike! Strike!”—Dickstein delivers a crossover history that underlines just how far his kind of two-way traffic between the Popular Front and mainstream culture can take us: “What Astaire and Rogers transpose into dance, what Gershwin and Cole Porter transform into verbal wit and melodic flow, screwball comedy translates into furious verbal and physical energy, propulsive in its intensity. Had this positive energy been harnessed to some larger social purpose, as the New Deal hoped to do, it might have brought the Depression to a swift end. Expressed as fantasy, it merely made those difficult years more palatable, and left us with many works that testify to the unquenchably vital spirit of those who lived through them.”

If you were secretly hoping for revolution, this may come as something of a disappointment—just like the New Deal. Even if you weren’t, Dickstein’s optimism of the intellect certainly comes as a surprise. But as we again find ourselves whistling past the big, bad wolf of economic hard times, Dickstein reminds us of how much we owe the culture that taught all of us how to face the music and dance. ■

The Smallest

It is in front of the tree.

The houses around the windows are lit

by it, it turns off and goes upon

knees and wherever the bone is almost next to the skin. It has been defamed.

It will become undernourished.

It is not without end. It is not.

It is not what you can let happen, or cause to happen, or has anything at all to do with happening.

It happens as it exists without effect.

It is the pure in pure mathematics.

It is the sully in unsullied rain.

It is the pain in painfully.

It is also the fully. It is

the light in highlight and headlight,

the head in headland, the towering

in towers, trees, the outstretched

in shadows of mountains on plains and lakes.

It is not the water in the lake, however,

it is not cupped.

If it exists, it is unaware of it.

It could name itself however, and does.

It contains alphabets.

It is infinite and therefore the smallest thing.

JAMES SCHUYLER



THE OYEZ PROJECT

Justice Antonin Scalia and Justice Ruth Bader Ginsburg in Jaipur, India, February 1994

Scalia v. The World

by MICHAEL O'DONNELL

The dean of the modern conservative legal movement, Justice Antonin Scalia, is neither an intellectual nor a primitive. He is both. Scalia has fused the cerebral and the atavistic strains of conservatism in a manner that leaves one wondering if they were ever distinct at all. For decades Scalia has beguiled conservative law students with his abhorrence of compromise and the colorful, take-no-prisoners style of his opinions. More than any other contemporary jurist, he claims to abide by a host of scrupulous legal principles: strict fidelity to a statute's text, adherence to the Constitution's original meaning, respect for the nation's federal structure of government. But notwithstanding these "neutral" principles and his habit of adorning his defense of them with intellectual flourishes, Scalia writes his opinions in boiling ink, mixing prodigious citations and vast learning with callous disregard for others and bursts of derision bordering on bigotry.

In a recent dissent that was joined by Justice Clarence Thomas, Scalia argued, astonishingly, that the Constitution does

Michael O'Donnell is a lawyer in Chicago whose writing on legal matters has appeared in Bookforum, Washington Monthly and the Christian Science Monitor.

American Original

The Life and Constitution of Supreme Court Justice Antonin Scalia.

By Joan Biskupic.
Sarah Crichton. 434 pp. \$28.

The Rise of the Conservative Legal Movement

The Battle for Control of the Law.
By Steven M. Teles.
Princeton. 339 pp. Paper \$24.95.

not forbid executing a demonstrably innocent man, so long as he has been given a fair trial first. (Justice John Paul Stevens, the senior liberal on the Court, responded in a concurring opinion that putting to death an innocent person would "be an atrocious violation of our Constitution.") In his dissent in *Lawrence v. Texas*, from 2003, in which the Supreme Court struck down Texas's anti-sodomy law, Scalia compared laws outlawing gay sex with those prohibiting bigamy, incest and bestiality. Having cleared his throat, Scalia then declared,

Many Americans do not want persons who openly engage in homosexual conduct as partners in their business, as scoutmasters for their children, as teachers in their children's schools, or as boarders in their home. They view

this as protecting themselves and their families from a lifestyle that they believe to be immoral and destructive. The Court views it as "discrimination" which it is the function of our judgments to deter. So imbued is the Court with the law profession's anti-anti-homosexual culture, that it is seemingly unaware that the attitudes of that culture are not obviously "mainstream" [and] that in most States what the Court calls "discrimination" against those who engage in homosexual acts is perfectly legal.

Scalia's expression of base sentiments in fluid, vigorous prose is a strange blending of the high and the low—like a Catholic Mass in which the liturgy is led by a bearded hippie strumming a guitar and singing in Latin. Scalia attempted to qualify these ugly lines in the next paragraph of his dissent by insisting, "I would no more *require* a State to criminalize homosexual acts—or, for that matter, display *any* moral disapprobation of them—than I would *forbid* it to do so." Scalia seems genuinely baffled at the widespread incredulity that increasingly greets such protestations. His trademark busy italics might convey a spirit of apolitical rectitude, but they can't conceal the striking overlap of his judicial opinions with socially conservative policy preferences.

If there is nothing more admirable than a judge forgoing personal beliefs to uphold legal principles, there is nothing more distasteful than a judge who claims to do so against strong evidence to the contrary. Scalia's purportedly neutral, apolitical jurisprudence has moved him to vote against affirmative action, protection for abortion, rights for gays and lesbians, and equal treatment of women, and in favor of practically unfettered capital punishment, gun ownership and the open embrace of Christianity by the state. When questioned about this unbroken string of conservative decisions, Scalia is quick to highlight his votes striking down state and federal laws that banned flag burning, in *Texas v. Johnson* (1989) and *United States v. Eichman* (1990), stating that flag burning is repugnant to him personally (as it is to most conservatives) but is protected by the First Amendment. The cases have become his little black friends, inoculating him against any charge of legislating from the bench—the ultimate conservative heresy. But a more likely explanation than dutiful professionalism for his votes in the flag-burning cases is that free-speech principles do not animate him in the way social issues

do. Just as principled judges are not always consistent, unprincipled judges are not always inconsistent.

Because Scalia, more than any other Supreme Court justice, has staked his reputation and legacy on a commitment to neutral principles, he invites ridicule for abandoning those principles when they fail to produce politically conservative results. In the 1990s he voted enthusiastically with the Court's federalists, Sandra Day O'Connor and William Rehnquist, to limit Congress's power and advance the historically dubious cause of state sovereignty. Happily for him, these votes had the effect of nullifying federal laws that regulated guns and protected women from violence. But more recently, when state

shut out of the most interesting chambers. But while *American Original* is no scathing critique, neither is it an easy endorsement. Biskupic clearly admires Scalia's pluck: on a beat where dry written opinions and aversion to the press are commonplace, he stands out as brash, funny, outspoken and controversial—a walking headline machine. But she dislikes his inconsistent jurisprudence, devoting an entire chapter to *Bush v. Gore*, as well as the caustic and sarcastic tone of his writing, which has only become sharper and more pronounced over the years, eroding the collegiality of the Court and leaving Scalia increasingly alone in dissent. "Scalia wrote with a recriminatory tone that often undercut his effectiveness," she writes. "He was hyperbolic

and almost entirely dismissive of arguments from the other side." She gathers representative examples of his disrespectful references to his colleagues' opinions: they "cannot be taken seriously," are "beyond the

absurd" and even should be considered "nothing short of preposterous." In light of the justices' reluctance to criticize one another personally, Biskupic also obtained several surprisingly candid observations made by Scalia's colleagues about his negative influence on the Court. "I think everybody respects Nino's wonderful writing ability and his style and all the rest," Justice Stevens told Biskupic. "But everybody on the Court from time to time has thought he was unwise to take such an extreme position, both in tone and in the position." Justice Ruth Bader Ginsburg, a close friend of Scalia's, was even more direct in an interview with Biskupic: "I love him. But sometimes I'd like to strangle him."

Biskupic does not provide any revelations in her portrait of the past fifteen years of Scalia's career, but she has lent it depth and texture. She has made excellent use of the archives of Justices Lewis Powell and Harry Blackmun from the 1980s and early '90s to flesh out the lonely role Scalia has earned for himself on the Court. Biskupic has a fine eye for a telling memo or private comment; Blackmun's archives in particular overflow with revealingly wry jottings. For example, when Scalia circulated a notably shrill dissent in 1988, Blackmun wrote in the margin of the draft, "Screams! Without the screaming, it could have been said in about 10 pages." Biskupic also cites a number of instances in which Scalia was assigned to write an opinion and then lost the majority because of his sanctimoniousness and refusal to compromise. On other occasions, Chief Justice

Rehnquist simply declined to assign a case to Scalia for fear that this would happen.

Biskupic calls Scalia "the purest archetype of the conservative legal movement that began in the 1960s in reaction to the Warren Court." That's not quite right. Scalia is indeed the top conservative legal thinker of our time, universally admired by the right, but he was one of the patrons of the modern conservative legal movement, not one of its products. The prominence of his generation is fading and a new, more effective generation is in ascendance. It is well organized and strategically deft, with an eye always on results. Its purest archetype is not the grandiose but easily ignored Scalia, who at his worst might as well be standing on a corner shouting at people, but the faux-modest radical John Roberts, who in 2005 took the seat on the bench that Scalia thought was his to become Chief Justice of the United States.

Whereas Scalia smokes cigars, uses off-color language and flicks his chin like a hotheaded Soprano, Roberts wears his hair neatly, speaks mildly and displays his handsome family for the camera. His credentials and performance before the Senate Judiciary Committee so impressed Orrin Hatch that the senator recently told *The New Yorker*, "You have to be a partisan ideologue not to support Roberts." (If the modern judicial nominations process is a dance, Roberts is Baryshnikov.) As Roberts has shown particularly in cases dealing with race issues, he is every bit as conservative and cerebral as Scalia but also excels at consensus building and the game of institutional politics, and was an astute pick for that reason. If Roberts can retain an ally by withholding a sharp rebuke to an argument he finds disingenuous, he will do so, and conservatives will enjoy the results when the clerk calls the next case.

Roberts hardly figures in the story told by Steven Teles in *The Rise of the Conservative Legal Movement*, but the young Chief Justice is unquestionably one of many beneficiaries of the long-term planning and organizing—not to mention fervent praying—undertaken by that movement's founding fathers. Scalia was one of them. Shortly after the Federalist Society—which Teles rightly describes as "an organization of extraordinary consequence"—was founded as a conservative debating club by law students at Yale and the University of Chicago in the early 1980s, Scalia, then a law professor at Chicago, became one of its most important sponsors. As Teles explains, Scalia

helped connect the Yale and Chicago contingents with the conservative law

'Screams!' Harry Blackmun wrote in the margin of a shrill Scalia dissent from 1988.

"laboratories of democracy" produced laws inimical to the social conservative agenda, like those authorizing medical marijuana and physician-assisted suicide, his solicitude for state prerogatives went up in smoke.

His vote in *Bush v. Gore* (2000) is the most notorious in this regard. Despite having fought vigorously in previous cases to limit the Constitution's equal protection guarantee as applied to minorities, Scalia found an unprecedented equal protection violation in the manner in which Florida counties conducted their recounts. More remarkable still, he refused to defer to the Florida Supreme Court's construction of a question of Florida election law, such deference being perhaps the most abiding feature of the Court's federalism jurisprudence. These days Scalia grows testy when asked about *Bush v. Gore*, telling his critics to "get over it." But the case dramatically reveals his fickle fidelity to neutral principles, rendering qualifications like those in the *Lawrence* dissent highly suspicious. In other words, Scalia was not merely channeling others in the "anti-homosexual" camp when he explained why many people find gays and lesbians intolerable: he was speaking his mind.

Joan Biskupic began covering the Supreme Court for *USA Today* in 1989, three years after Scalia joined the Court. One might have expected her to pull a punch or two in *American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia* so as not to be

group at Stanford, helped them with fund-raising, spoke at their first conference, hosted visiting Harvard Law Federalist Society members at his home when the Society had its conference at the University of Chicago Law School, and facilitated the Society's early move into an office at the American Enterprise Institute.

At a moment when the Federalist Society could well have flamed out as another student cafeteria organization, Scalia lent it connections, prestige and momentum. Perhaps he wanted the next generation to profit from a level of support that he never enjoyed; as a law student in the 1950s, he had to settle for the St. Thomas More Society. The Federalist Society has since evolved into a powerful, loose alliance of conservative lawyers and law students. Its leaders shrewdly decided to forgo position taking and litigation clinics—both of which could divide its diverse members; instead, it has promoted debates, networking and, above all, institution building, through clerkships, government posts and law professorships.

Scalia's interactions with one of the society's founders nicely illustrates the way it patiently established a beachhead and then penetrated every corner of the profession. Lee Liberman Otis co-founded the Federalist Society while a student of Scalia's at Chicago in the early '80s. In 1982 Scalia became a judge on the US Court of Appeals for the DC Circuit, and he asked Liberman to clerk for him. A few years later she took a position vetting judicial nominees in President Reagan's Justice Department, where she determinedly championed Scalia for the Supreme Court in 1986 over his better-known colleague on the DC Circuit, Judge Robert Bork. Scalia was nominated and confirmed, and he promptly hired Liberman to clerk for him again, granting her the one credential that can open any door in the legal world. Liberman went on to teach law at George Mason University and then returned to work in the two Bush administrations. She currently serves as senior vice president of the Federalist Society. A mutually beneficial relationship installed a giant on the Supreme Court and twice provided him the services of a reliably conservative law clerk, and in turn landed a young conservative lawyer posts in the judicial and executive branches of federal government and in the predominantly liberal academy. Multiply this story by a thousand, and you begin to grasp the Federalist Society's muscle.

Throughout *The Rise of the Conservative Legal Movement*, Teles emphasizes the libertarian and intellectual dimensions of the conservative counterrevolution, even to a fault. He does not discuss social conservative organizations like Jay Sekulow's American Center for Law and Justice, which in September published an op-ed titled "The President's New Name: President Barack Obortion"; nor does he examine those organizations motivated by religious conservatism, like Pat Robertson's Regent University School of Law. Yet these institutions and the sentiments that animate them—Scalia's territory—have been indispensable to the movement's successes. For every principled intellectual who finds the Supreme Court's theoretical conception of the due process clause inherently flawed, there is someone else who doesn't want teachers saying that man descended from monkeys. Given that such hidebound ideas are integral to legal conservatism, statements about the mission of the Federalist Society like that of Steven Calabresi, one of the organization's founders, sound impossibly optimistic: "We want to be a reasonable organization like AEI, an organization of thoughtful and intelligent people, an organization that's engaged in dialogue with people on the left, not an organization that's a caricature of what conservatives could be." Thoughtful and intelligent people don't call gaymen "homos," as Robertson was famously caught doing during the commercial break of an interview on *Larry King Live*. By founding an organization deliberately intended to welcome the likes of *The 700 Club*, the Federalist Society's leaders made its mission statement a contradiction in terms.

If Scalia's ascendance and the role of social and religious conservatism suggest some fundamental inseparability of the conservative legal movement from the worst elements of the base, then so does the movement's bloody shirt: the Senate's rejection of Bork's Supreme Court nomination in 1987. Teles describes the impact of this defeat in vivid terms, emphasizing the pain and anger many legal conservatives felt as their godfather was savaged on the Senate floor. Bork was extremely well connected in Washington legal circles and mentored scores of up-and-coming conservative lawyers in his various positions as solicitor general, a popular law professor and a judge of the US Court of Appeals alongside Scalia. His many acolytes took his humilia-

tion personally. "People felt genuinely outraged," Calabresi told Teles; it was as if "their father or mother had not been confirmed to the Supreme Court."

But Teles is mistaken to compare this referendum on conservative constitutionalism with the "seminal moment[s] of injustice" that motivated other social movements, like Stonewall and the attacks on black civil rights marchers. Minorities who were targeted and physically attacked merely for their intrinsic identities are simply not in the same category as elite judges who feel disenfranchised or indignant because the majority of the country finds their views unacceptable. Yet regardless of whether legal conservatives were justified in feeling the same way about

In the early 1980s, Scalia lent the fledgling Federalist Society connections and momentum.

Bork that liberals felt about civil rights icons, the point is, those feelings were genuinely held. And Bork is not a gentle conservative in the tradition of David Souter. He is a true reactionary who might well have edged out Clarence Thomas for the seat on the farthest right of the bench. With people like Bork and Scalia as its heroes, the conservative legal movement is to a great extent incapable of moderation.

Teles concludes that conservatives have caught up to liberals in some regards—at least in the sense of gaining representation, if not dominance, in elite institutions that feed the power structures of the legal profession—but certainly have not outmatched or uprooted them. And while their successes over the past thirty years have been impressive, those successes should not be understood through what Teles calls "the myth of diabolical competence," which essentially means the fallacy of a vast right-wing conspiracy. There was plenty of trial and error, and the whole thing wasn't hatched up and executed by a coterie of militants hunched over a set of blueprints in some underground bunker. This is a useful point to make, for when it comes to successful conservative movements, conspiracy theories abound yet are simplistic and unedifying.

If the movement's greatest success has been to place ideologically sympathetic judges like Scalia on the courts, it still straggles far behind in the legal academy, where ideas are shaped and prestigious degrees handed out.

One exception, to which Teles devotes considerable attention, is the law and economics movement, which approaches legal problems through the language and analytic tools of economics. The movement began at the University of Chicago in the 1950s, and its most prestigious accolade was the John M. Olin Fellowship in Law and Economics, given each year to a handful of accomplished young scholars. (The fellowship program ended in 2005, when the Olin Foundation, as stipulated by its mission, disbanded after exhausting its assets.) But even here, the results are limited. If law and economics (and the Olin Fellowship) was once a proxy for more overt conservative credentials, now it is just another research field with questionable correlation to political views. Even the movement's biggest superstar, Richard Posner, makes little use of its tenets in his opinion writing; as a judge, he is much better described these days as a pragmatist than as a law and economics guru. (Full disclosure: I worked for Posner and other judges as a staff attorney at the US Court of Appeals for the Seventh Circuit from 2004 to 2006.) And regardless, a little knowledge of economics is a dangerous thing. While hard economics research is, of course, an important and empirically based discipline, applying economic principles broadly and casually is a little like psychoanalyzing your neighbor: anyone can do it, and the results are laden with spongy assumptions and frequently wrong.

I was reminded of this several months ago by an exchange on The Volokh Conspiracy, a law blog founded by the wunderkind UCLA professor Eugene Volokh that counts among its contributors libertarian legal scholars, many of them former Supreme Court clerks, who are very smart and have many thoughtful things to say about law, politics and culture. In September the blog featured a short post about the botched lethal injection of convicted murderer and rapist Romell Broom, whose executioners were unable for several hours to find a vein and had to reschedule the procedure. The Eighth Amendment—which prohibits cruel and unusual punishment—is a topic of scholarly interest to several of the blog's contributors, and Broom's terrible story undoubtedly caught their attention for that reason. The posting was sober and respectful, attempting little more than a summary of the awful facts and a few links. One commenter broke with decorum, offering that sparing Broom would "give death row inmates the option of overeating or getting hooked on smack during years before execution to make veins buried or trashed." Law

and economics! Look, professor—an incentive! That this combination of would-be intellectualism and primitive sympathies is only a pose is less illuminating than what it

is a pose of. Chief Justice Roberts might have expressed the same sentiment more diplomatically, and Bork more harshly, but only Scalia could've said it better. ■



Andrew Garfield (left) as Eddie Dunford and Sean Bean (right) as John Dawson in *Red Riding*: 1974

No Way Out

by STUART KLAWANS

If we are to believe the *Red Riding* trilogy, the prevailing atmospheric condition in 1974 West Yorkshire was a cigarette haze, as damp as atomized gin. Social rites were limited to cremations and admonishments, the latter sometimes being accompanied by a stream of piss to the auditor's trousers. Sex proceeded in jump cuts, which began in dim concrete pubs and blacked out on random furniture. It was an interruptible place, which a young man apprehended in the intervals between ignorance and oblivion.

West Yorkshire in 1980, by contrast, was a place that a middle-aged man could observe steadily through a rain-spattered windshield. Evidence of disorder was now officially posted on billboards and collected in files (however questionable), as well as unofficially spray-painted on walls and circulated in photographs (which surfaced as awkwardly as half-forgotten murder victims); and so the corruption and violence seemed as if they ought to be legible. Readings of it proceeded straight-on, like a Direct Cinema documentary, or an eyeball-to-eyeball confrontation in a police station's

back office. The prevailing atmospheric condition was menace, broken here and there by the ironic glow of Christmas lights or the gleam of brass fittings and social niceties at a hotel's front desk.

Local secrets did not actually become communicable in West Yorkshire until 1983, when the prevailing condition split into voice-overs, flashbacks and crane shots. Points of view multiplied and converged, with lines of sight originating in a genteel front parlor (used for séances), a prison holding cell (used for interviews with a terrified inmate) and a disheveled bachelor's quarters (used by the disheveled bachelor for sleeping, entertaining and pretending to run a law office). In its social psychology, the region was now characterized by a repetition compulsion, manifested in the urge to relive events from nine years before. The atmosphere was clear, except for occasional flurries of symbolic dove feathers.

A tale of abductions and murders and payoffs and cover-ups, which cascade and swirl through the years but ultimately flow together, the much-praised *Red Riding* trilogy emerged from a single literary source (a se-

quence of novels by David Peace), was adapted by one screenwriter (Tony Grisoni), is performed throughout by the same roster of actors but takes the form of three distinct feature-length films, each with its own director, artistic team, mood and style. Has anything ever been exactly like it? Neither a standard television mini-series (though originally shown on Channel 4) nor a standard auteurist anthology (though it plays up the signature on each installment), this hybrid of true-crime miserabilism and fairy-tale morality is also a hybrid of production methods and aesthetic assumptions, and so is remarkable both for its scale and its experimentalism.

If I had to identify a single intelligence behind this project (the usefulness of such identifications being one of the certainties cast into doubt by *Red Riding*), I would point not to David Peace but to Michael Winterbottom, the determinedly mutable filmmaker whose Revolution Films co-produced the trilogy. He seems the most likely person to have urged that the elements be tossed together, to see what would come out; but that makes him an instigator, not an author. Though each installment might conventionally be labeled as “a film by” its director—Julian Jarrold, James Marsh or Anand Tucker—*Red Riding* as a whole seems to come not from any individual but (for better and for worse) from a deeply guilt-ridden collective consciousness.

The English mind, the trilogy suggests, imagines the nation’s decayed industrial north as being collusive, self-enclosed and contemptuous of outsiders, even when they’re native sons (like the ambitious young newspaper reporter who returns to Yorkshire in 1974) or experienced old hands (like the police inspector who comes back to the region in 1980). These snoops are marked men; but as men, they still have half a chance, unlike the women who stray through this wilderness. As little girls, they are often spirited away, either to vanish entirely or else to turn up dead and grotesquely mutilated (as happens to a child in a hooded red raincoat in 1974). As adolescents, they are turned into prostitutes and exposed as prey to the Yorkshire Ripper (see 1980). And if they should survive into maturity, they become self-hating sluts, raving lunatics, bravely patched-together mistresses or wounded, secret-bearing wives—which is pretty much the range of options on view through 1983.

As one feminist fence-scrrawl declares in the 1980 installment, MEN ARE THE ENEMY. This judgment, under the circumstances, seems inarguable, even though some enemies

prove to be conscience-stricken and so are eligible for a romantic interlude, about which they can feel bad. The blundering, over-matched young reporter of 1974 (Andrew Garfield), with his pouty, underslung lower lip and weedy hair that looks heavier than his torso, can’t resist throwing himself onto a boozed-up but sleek-bodied blonde (Rebecca Hall), despite her being the unrecovered mother of one of the vanished girls—or perhaps because of it. Compared with him, the internal-affairs inspector of 1980 (Paddy Considine) is altogether more sober and principled; but when he assembles a personal team to investigate the West Yorkshire police and their handling of the Ripper case, he composes his long face into an especially waxy rectitude and summons to his employ a not-quite-former lover (Maxine Peake), who is pleased to enjoy such confidence, sir. Most troubled of all, because most in the know, is the West Yorkshire detective (David Morrissey) near the core of 1983. When the time comes for this enemy of womankind to fall into a clinch, he finds himself snogging a trance medium (Saskia Reeves) who greatly disturbs him by somehow knowing where the bodies are buried.

Varying directorial styles cannot disguise the formulaic sameness of these liaisons amid the mayhem. And when you consider how the only blameless characters in the trilogy are either dead children or idiots (named Myshkin, no less), you may begin to wonder if style itself is something arbitrary: a random and meaningless choice made within the fog of universal corruption. Here in the north, where an archetypal brick-row-house disappointment takes its purest form, all sex is dirty and all money is dirty, and the dogooders pretending to clean up the mess may be the filthiest of all; so look at the place any way you like, because one’s as good as another.

If this is indeed what the *Red Riding* trilogy reveals about the English self-image (including the suspicion that style is ultimately futile, or French), then a review must end here, given that the only commentator who would really be equal to the subject, D.H. Lawrence, is now unavailable. A pity; I’d love to know what he’d say about a belief that Yorkshire society is inescapably brutish, except when the spirit world sets innocence free and banishes the big, bad wolf from the emerald moors.

But if you’ll allow a less expert interpreter to continue:

However thick the trilogy’s slab of conventional grimness, however thin and unpersuasive the underlying layer of sentimentality,

WHICH WAY, AMERICA?

THE THALIA FOLLIES
A POLITICAL CABARET



Thu–Fri, Feb 18–19 at 7:30 pm
Sat, Feb 20 at 5:30 pm & 8:30 pm

SONGS AND SKETCHES INCLUDE:

“Cheek to Cheek” for the new decade:
“Yemen – I’m from Yemen...”

Bottled water, footwear, and “a few of
our other favorite things” no longer
allowed on airplanes

The *Three Trillion Dollar Opera*, featuring
the smash hit “Barack the Knife”



Watch a video at
symphonyspace.org

symphony
space®

MUSIC LITERATURE FAMILY THEATRE DANCE FILM

symphonyspace.org

2537 Broadway at 95th Street 212.864.5400

Become a fan on [facebook](https://www.facebook.com/symphonyspace) Follow us on [tumblr](https://www.tumblr.com/symphonyspace)

Available now from
Lawrence Hill Books
Hardcover, \$26.95, 424 pages

"A riveting account of the assassination, the plot behind it, the cover-up, the denouement, and the lessons that we should draw from this shocking tale of Government iniquity."
—Noam Chomsky

www.hamptonbook.com

Civil rights attorney Jeffrey Haas's personal account tells the inside story of his thirteen-year legal battle to uncover the conspiracy between FBI agents carrying out J. Edgar Hoover's secret and deadly Counterintelligence Program and the Chicago Police, a collaboration that led to Fred Hampton's assassination. For more on the book, the author, comments, and book tour see www.hamptonbook.com

KING
A Filmed Record
Montgomery to Memphis

"Perhaps the most important film documentary ever made"
The Philadelphia Bulletin

The original 3-hour film is now available for the first time in almost 40 years. Order the special 2-disc commemorative DVD from

www.afilmedrecord.com

**AS FEATURED ON HBO'S
BREAKING THE HUDDLE AND CNN.**

"Walk On rises above time, place and sports, and becomes inspiration for anyone to grab hold of a dream and fly."
Golden Globe and Emmy Award winning actress,
Alfreë Woodard

"This memoir is about football, yes, but mostly it is about who we all were back then, when changes were coming fast and furious, dramatically sorting out the sheep and the goats, the heroes and the cowards. Thom Gossom writes beautifully and honestly."
Pulitzer Nominee and Syndicated Columnist,
Rheta Grimsley Johnson

Order at **WALKONGOSSOM.COM**
bgeinfo@earthlink.net

European Beret \$14
100% Wool • One Size Fits All
Black, Navy, Brown, Red, Camel, Grey
Check or Credit Card w/Exp. Date.
Add \$2 shipping plus \$1 each additional
www.johnhelmer.com

John Helmer • Est. 1921 • (503) 223-4976
969 S.W. Broadway, Dept. TN128 • Portland, OR 97205

the three films in succession do put you through an experience that's worth more than the five hours or so you'll invest in them. The play of perspectives shifts intricately, as major characters recede toward the margins while ostensibly minor ones work their way toward the center, unexplained incidents fade into memory and then pop back into view, settings that at first seemed banal grow more and more evocative with each circling back. Nobody within the plot (or plots, actually) fully controls the situation, though many people try, and more than one revelation is required to resolve all the mysteries; yet there's an emotional unity to the story, achieved through a single grand gesture that arches from film to film. Thrashing disorientation gives way to obsession and adult remorse and then to an appalled, relieved understanding.

This is suspense, all right, though not the kind that most crime-story audiences sign up for. The first glimmer of comprehension isn't granted to you until halfway through the second installment; daylight doesn't break until the third. But if the narrative gamble in this scheme is enormous, the rewards are commensurate. They include not only the visceral force of the action, the nightmarish grotesquerie of the most threatening characters, the unchallengeable authenticity of the locale and the faultless performances of the entire cast but also those flourishes by Jarrold, Marsh and Tucker. Even though the directorial signatures don't greatly matter, the differences in style turn out to mean something after all.

And so does the impression that the *Red Riding* trilogy reflects a certain national mindset. Although the films never mention political affairs, no viewer in Britain will fail to notice that the installments span the years of Margaret Thatcher's rise to power, nor will it escape anyone that a key villain in the story—a strutting, chesty real-estate developer (Sean Bean)—is exactly the sort of high-spirited money-spinner in whom Thatcher saw the hope of the British economy.

I wouldn't want to make too much of this implicit hint that larger forces are at work in the trilogy's West Yorkshire. But still, the ghost of a memory of Thatcher's smash-and-grab capitalism floated into my mind, chilling me, during one of the most breathtaking scenes of 1974: the one in which two thugs throw open the back door of a van, revealing a view of the moors stretching into the distance, and boast to their latest victim, "This is the North. We do what we want."

By coincidence, the *Red Riding* trilogy has come out just when Warner Bros. is releasing its Americanization of another politically inflected British television drama, *Edge of Darkness*. First broadcast in 1985 on the BBC, this mini-series won a large audience and several BAFTA awards with its story of corporate malfeasance, government secrets and threats of cataclysmic war. Now the director of that series, Martin Campbell, has his name above the title of a revised, big-screen *Edge of Darkness*, though without the movie's coming anywhere close to being "a film by." Who's really responsible? I count two new writers (William Monahan and Andrew Bovell, who may or may not have met on the job), three producers, five executive producers and (perhaps most important of all) one famously headstrong leading man, Mel Gibson.

That Mel will be a decent guy without fancy airs, that he will suffer blow upon blow and yet carry on, that despite his pains he will gun down every last bad guy in the final reel—all this will be known in advance by even the most casual moviegoer, just by glancing at the poster for *Edge of Darkness*. The surprise is that the proceedings are highly watchable for the first act or two. The action starts abruptly, and with something better than a bang, when Mel's grown daughter comes home to visit him in Boston (he is, for present purposes, an Irish police detective) and is almost at once struck down. Many of the scenes that immediately follow dwell on the father's grief, and are moving in their wordless concentration on small gestures and simple objects. But by the third act, you're back to thriller as usual, with someone jumping out to yell "Boo!" every five minutes. By the fifth act, your foot's fallen asleep. By act six, your mind has drifted back to the beginning of the picture, when Mel had the hairstyle of Mike Ditka in his prime. Now he resembles the reanimated Boris Karloff; but even in a condition of death-warmed-over, he plugs the bad guys without aiming.

And what's left of the substance of the original *Edge of Darkness*? Only the notion that government officials and corporate big shots might be up to no good, the sort that Greenpeace-style activists might try to expose but that would be more appropriately handled by a 9/11 truth commission, or (better still) a vigilante cop with complete faith in the afterlife. I can't say I recommend this solution—but its moments of inadvertent humor did remind me of how much I liked Mel in *Chicken Run*. ■

Classified

While we reserve the right to edit, reject or reclassify any advertisement, The Nation wishes its readers to know we don't have the facilities to check the promises made by our advertisers, and we have a strong presumption against censoring any advertisement, especially if we disagree with its politics. To advertise, contact amanda@thenation.com or call (212) 209-5414. Mail inquiries to The Nation Classified Department, 33 Irving Place, New York, NY 10003.

ANCIENT SECRETS

SCHOLARLY BOOKLET PROVES PISO (aka Josephus) invented fictional Jesus, Gospels. Amazing but incontrovertible. \$15: Abelard, Box 5652 A, Kent, WA 98064.

ASTROLOGY

UNLIMITED POSSIBILITIES AWAIT YOU! Answers for the heart, from the heart. Gifted, caring psychic readers. \$3.23/minute. 1 (800) 824-7107; voiceofastrology.net.

BLOGS/WEB

FAT FOOT OF U.S. CEO stepping on necks of Jordan's urban poor. alqasas.net.

RESIST THE PRESENT. Blog the future. revolutionsolution.com.

READ UP-TO-THE-MINUTE NEWS. Politics, business, travel, political blogs, celebrity news, bios...more. jonesnyhistory.com; famouswelsh.com.

BOOKS

BUY THE CRYPTO-READ OF THE YEAR! *Swatting Lizards in Bankok: A Family Memoir*. At Amazon.com.

DON'T LET THE TITLE FOOL YOU. *Dr. Lumumba's Dream of Incest* is not a dirty book. (888) 280-7715. Also available at Amazon.com.

BUSINESS OPPORTUNITIES

PIANO TUNING PAYS. Learn with American School of Piano Tuning. Home-study course. Tools included. Free brochure. 1 (800) 497-9793.

EMPLOYMENT

FOR EMPLOYMENT INFORMATION to change your work—and our world—visit changeworks.org or call (866) 276-7201.

LIBERAL LIAISONS

If responding to a Nation Box number, send replies to: Nation Box ____, The Nation, 33 Irving Place, New York, NY 10003.

FETISHES AND FANTASIES fulfilled. Hot erotic talk with creative, sensuous woman. No limits. Personal, confidential. Call (866) 844-8286.

MATURE, INTELLIGENT CONVERSATION. Erotic, imaginative, independently operated. missaria.com. (866) 454-3763.

AURAL EROTICA. Well heeled, well spoken, not always well behaved. Fetish friendly, smart & sexy. (800) 717-LIZZ (5499); ElizabethPaxton.com.

GREEN SINGLES. Free photo ads for progressive singles in the environmental, vegetarian and animal rights communities. Searchable listings for friendship, dating, marriage. Since 1985. greensingles.com.

CHINESE LADY, 60, petite, attractive, refined, seeks educated gentleman for LTR. yr2soulmate@yahoo.com.

LIBERAL LIAISONS

WHAT'S YOUR DREAM? Single male, 54, 5'9", athletic, sailing, silent sports, yoga, organic farm, cats, eclectic, political consultant, left, social/farm/food activist, sustainable lifestyle, passionate, romantic, intellectual. ISO fit woman (mid-40s to early 50s), mutually affirming relationship, Wisconsin: farm.wi@gmail.com. Reply Nation Box 821.

ATTRACTIVE, YOUTHFUL SENIOR WIDOW. Financially secure, warm and outgoing professional. With *joie de vivre*. Passionate music lover and lover of the arts. Seeks soulmate to share culture and romance in NYC, the Berkshires and elsewhere. mimi1R@aol.com.

WIDOWER, 60, progressive politics and values. Interested in arts, cycling, yoga. Seeking renewal with woman, 45-60, of similar values and interests. Philadelphia. LRZ.mensch@gmail.com.

MERCHANDISE



Liberal quotations, wit & wisdom, hand-printed on colorful, 100% cotton tees
talkbacktees.com (800) 777-9242



EXPRESS YOURSELF! Stickers, shirts, buttons, emblems and more—evolvefish.com. (800) 386-5846 for catalog or to order now.



SUPPORT THE NATION AND OUR NATION! Shop online at thenationmart.com and exercise subtle and not-so-subtle dissent. Most items are union-made. Great gifts!

INTELLIGENT DESIGN! Viking Age artifacts in replica from Scandinavian museums: jewelry, glassware, Norwegian pewter, figurines, tapestries. vikingtrader.net.

CAT LOVERS AGAINST THE BOMB: 2010 wall calendar. \$8.95 + \$1.75 postage. Cats & Peace: what more could you want in a calendar? Order from: CLAB-NC, PO Box 83466, Lincoln, NE 68501, or toll-free (877) 778-3434, or catcal@aol.com.

ORGANIZATIONS

NO BILLS... No claims... No premiums... No risk... No debt. Go to HealthCareCrusade.com or contact bob.hertz@frontiernet.net.

BOSTON HUMANIST COMMUNITY. Free Sunday lectures. Ethical culture. Harvard Square. Social activity groups. bostonethical.org. (617) 739-9050.

ST. LOUIS NATION discussion group invites you to join us every fourth Sunday. For information: e-mail lydialewis@att.net.

PSYCHOTHERAPY

CHICAGO PSYCHOTHERAPIST, twenty-five years, all issues including depression, anxiety, relationships, creative blocks. Sliding scale, insurance. Deborah Hellerstein, PhD, (312) 409-9516. therapyinchicago.com.

SAN FRANCISCO PSYCHOTHERAPIST. Anxiety, depression, relationship issues. Near USF. Sliding scale. (415) 289-6990. paulabranchohlt.com. Paula Holt, LCSW.

REAL ESTATE

SANTA FE. Progressive Realtor seeks same in clients. Peter Kahn, Santa Fe Properties: (800) 374-3921 toll free, (505) 690-4840 mobile; Fe Realty Partners (877) 982-6207 toll free, (505) 690-4840 mobile; or pkahn@sfrp.com.

MOVING TO FAIRFIELD COUNTY, CONNECTICUT? Realtor seeks clients of same persuasion as a Nation subscriber. Contact (203) 259-2519 or madgocanning.com.

LEFT COAST, US. Work with The Realtor Who's on Your Side. Norma J.F. Harrison. (510) 526-3968. (866) 264-9029. NormaHa@pacbell.net.

GREATER SACRAMENTO—AREA REALTOR seeks progressive clients. Margo McBride, Remax Professionals. (916) 721-8334. margomcbride@comcast.net. margomcbride.com.

TRAVEL

CUBA. Three educational trips to Cuba: March 28–April 7, April 29–May 11 and June 15–27 by Global Justice Center. cuba@globaljusticecenter.org.

Events

NATIONAL

Economy Connection

■ War and global capitalism. Unemployment and recession. For speakers and resources on these and related topics, contact Economy Connection, a project of the Union for Radical Political Economics. We can provide speakers for formal or informal events sponsored by community groups, unions, high schools, colleges or political organizations. Our speakers can talk about wealth and poverty, and the economic forces that generate increasing income inequality between and within countries. They can cut through the confusing terminology that is used to prevent ordinary, intelligent people (with and without college degrees) from understanding and participating in discussions on the policies that affect our lives. Tell us what you need, and we will look for a speaker who is right for you. Contact us at (201) 792-7459 or soapbox@urpe.org. Join URPE! urpe.org; (413) 577-0806; URPE@labornet.org.

COLORADO

Goldman Sex

■ The Mercury Motley Players present their annual Valentine's Follies. *Goldman Sex*—a perverse romantic comedy for the politically astute and pissed off. Opens February 5; runs every Friday in February at 7:30 PM, with a special Valentine's performance on Sunday, February 14, at 7 PM. \$10. Reservations for theater and dinner theater: (303) 294-9258. 2199 California Street, Denver. More info: mercurycave.com.

The advertising deadline for Events is every Thursday. Rates: \$210 for 50 words; \$260 for 75 words; additional words (above 75) \$2.00 each. To place an ad, call Amanda at (212) 209-5414.

Puzzle No. 303

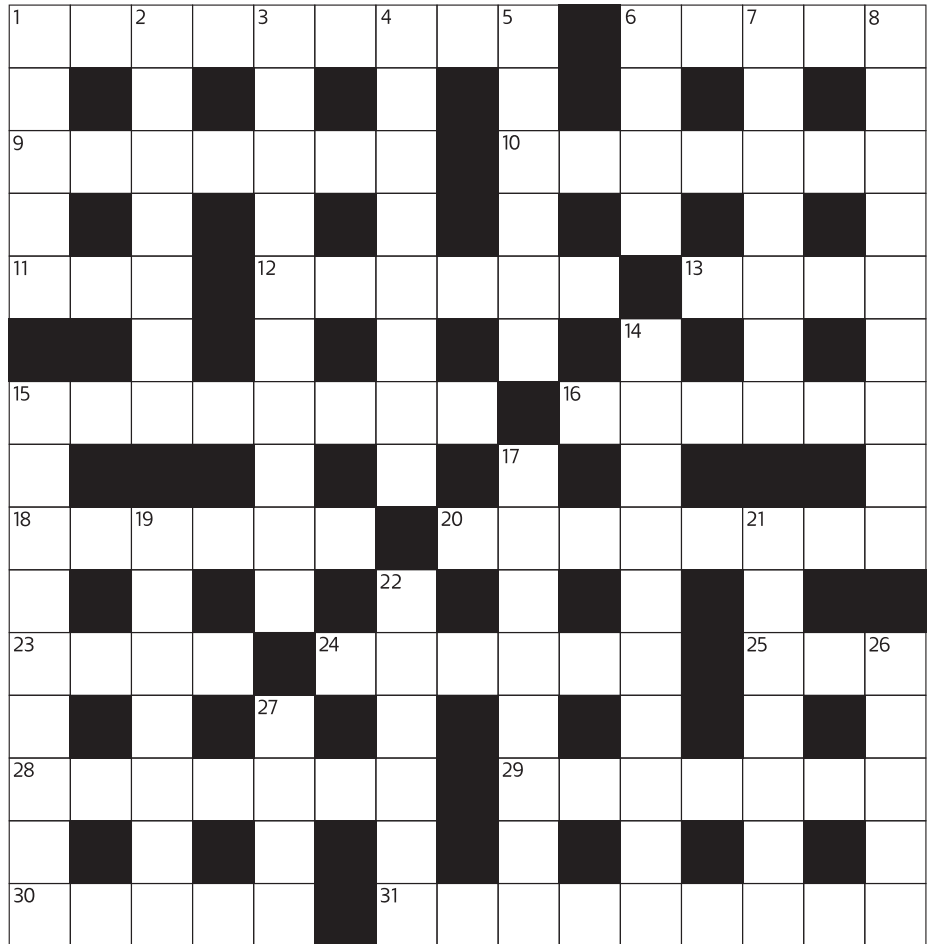
FRANK W. LEWIS

ACROSS

- 1 The balance of earning power. (4,5)
 6 Stunt, at the circus perhaps. (5)
 9 Red root? (7)
 10 Mr. Botts's was an Earthworm. (7)
 11 Seldom quick when under this. (3)
 12 Nullify. (6)
 13 The charges of 24 were. (4)
 15 You'll find her in pants here. (8)
 16 Has sat on top of the range. (6)
 18 Mental confusion. (6)
 20 What a day-dreaming movie fan likes to do. (8)
 23 Not a yarn to be unraveled. (4)
 24 A crook helped her keep things together. (2-4)
 25 Propeller. (3)
 28 Caesar sounds like a good description of him. (7)
 29 What Gable should have left in cement at Graumann's. (7)
 30 Retreats. (5)
 31 A good place to 20 across. (9)

DOWN

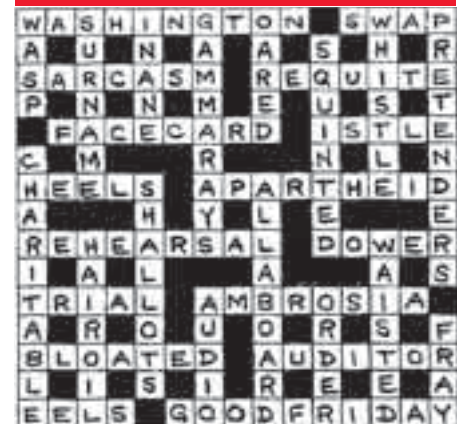
- 1 Worthless poet. (5)
 2 \$10,000,000 purchase. (7)
 3 Not new on 6 down? (6-4)
 4 *Piers Plowman* was one. (8)
 5 See 22
 6 Face down, so obviously laid up. (4)
 7 These are louder than 1 down. (7)
 8 A good way to make the fire start. (5-4)
 14 The one that makes a crowd? (5,5)



- 15 Street litter? (9)
 17 Descriptive of Wordsworth's minstrel. (8)
 19 Don who is one under a Duke. (7)
 21 By another name it sounds like a couple of reptiles. (7)
 22 and 5 Inheritance of scribblers? (6,6)
 26 Mr. Duck is confused. (5)
 27 It's really work to stir soup! (4)

This puzzle originally appeared in the March 5, 1949, issue.

SOLUTION TO PUZZLE NO. 1997



AVAILABLE
 from Nation Books!
 A collection of
 Frank W. Lewis classics!!

The Nation (ISSN 0027-8378) is published weekly (except for the second week in January, and biweekly the third week of July through the second week of September) by The Nation Company, L.P. © 2010 in the U.S.A. by The Nation Company, L.P., 33 Irving Place, New York, NY 10003. (212) 209-5400. Washington Bureau: Suite 308, 110 Maryland Avenue N.E., Washington, DC 20002. (202) 546-2239. Periodicals postage paid at New York, NY, and at additional mailing offices. Subscription orders, changes of address and all subscription inquiries: The Nation, PO Box 55149, Boulder, CO 80322-5149, or call 1-800-333-8536. Publications Mail Agreement No.: 40041477. Return undeliverable Canadian addresses to Bleuchip International, PO Box 25542, London, ON N6C 6B2. Canada Post: Publications Mail Agreement No.: 40612608. When ordering a subscription, please allow 4-6 weeks for receipt of your first issue and for all subscription transactions. Basic annual subscription price: \$79 for 47 issues. Back issues \$6 prepaid (\$8 foreign) from: The Nation, 33 Irving Place, New York, NY 10003. The Nation is available on microfilm from: University Microfilms, 300 North Zeeb Road, Ann Arbor, MI 48106. Member, Audit Bureau of Circulations. POSTMASTER: Send address changes to The Nation, PO Box 55149, Boulder, CO 80322-5149. Printed in U.S.A. on recycled paper.

Jomira's Best Sellers. Great Items, Great Prices*

***But read this entire ad for an even better deal!**

The spy glass that made naval history... **ADMIRAL FARRAGUT'S TELESCOPE** (with table top tripod) from us only \$69.95*

• The optics of Admiral Farragut's Telescope are 25x30. This means that you get 25x magnification and the great light-gathering capacity of a 30mm objective lens. The scope is fully chromed (over brass) for extra beauty, protection and durability.



When Admiral Farragut fought his legendary naval battles he used a telescope just like this to monitor the movements of the enemies' fleets. This beautiful optical instrument, a faithful replica of the famous original, is about 5" long in its collapsed position and 13" when extended to full operating length.

Enlargement is 25x, which means that it brings everything 25-times closer, and in needle-sharp focus, than if viewed with the unaided eye. ADMIRAL FARRAGUT'S TELESCOPE comes with a belt-loop vinyl carrying case. There is also a table-top tripod for extended observations.

**You have seen such zoom binoculars
advertised nationally for \$150...**

6x to 18x **JOMIRAZOOMS** from us only \$99*

• JomiraZooms focus smoothly from 6x to 18x or anything in between, letting you see unexpected details. Porro prism construction and ruby-coated lenses are the best in optical construction. The 18mm objective lenses provide high light-gathering capacity. JomiraZooms come with a belt-looped carry case and strap.



JOMIRAZOOMS are the absolutely ultimate in binoculars. They fit in your hand and weigh less than 7 ozs. But they pack an enormous wallop in their small body. Porro roof-prism construction and ruby-coated lenses guarantee pinpoint sharpness at any distance. The 18mm objective lenses provide great light-gathering capacity making JOMIRAZOOMS utterly reliable even in the dim light of dawn or dusk. The zoom lever lets you smoothly change the magnification from 6x to 18x or anything in between. Are you watching the pitcher's windup on 6x? Zoom to 18x and you may be able to tell whether he is throwing a fastball or a slider. There can be nothing more useful for sports, nature watching, navigation, and so many other pursuits. JOMIRAZOOMS is an instrument that should be in every home.

The only universal optical instrument... **PANSCOPE** (the complete optical system) from us only \$59.95*

• PANSCOPE is beautifully gift-boxed, comes with its neatly fitted leather case and with a plastic "tripod" for extended observations at 15x and 30x.



This is a little optical marvel. PANSCOPE (only 2" long) contains a complete optical system in its tiny body. You may use it as a 3x telescope or as a unique 3x telescope-loupe. In its magnifying mode, it delivers magnifiers and loupes at 5x, 10x, and 15x enlargement. And to top it all, it also functions as a 30x microscope of laboratory quality.

A special stand for long-term observation with 15x and 30x microscope is included.

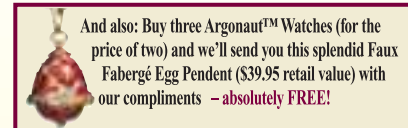
This marvelous little instrument, developed in Wetzlar (Germany), home of famous Leica cameras, is the product of one of Asia's finest makers. Its coated optics are of superb quality, delivering the image with brilliant luminosity, in needle-sharp focus, with absolute clarity and with full chromatic correction.

**Is this the famous Brand "X"
watch that sells for over \$1,000?**

No, it is the Argonaut™ Watch – yours for only \$129.95* ~~\$69~~

In contrast to many highly advertised watches, the Argonaut™ is not a mechanical watch. It is powered by an exquisite Japanese quartz movement. Besides the hands and the date disk, there are no moving parts. Nothing can go wrong or wear out. And no matter how many jewels they may have that inevitably happens with mechanical watches – sometimes as soon as within a year.

We guarantee the Argonaut™ for three full years. If you treat it reasonably well it should last you a lifetime. The Argonaut™ Watch is of solid stainless steel construction. It is guaranteed to be watertight to about 330 ft. You'll never dive that deep. Accuracy is guaranteed to 3 secs./month. You will need to change the battery in about two years. It shouldn't cost you more than \$5. The Argonaut™ Watch is a thing of rugged masculine beauty. It comes with a splendid adjustable stainless steel band.



And also: Buy three Argonaut™ Watches (for the price of two) and we'll send you this splendid Faux Fabergé Egg Pendant (\$39.95 retail value) with our compliments – absolutely FREE!

Hold the whole world in your hand with... **JOMIRASCOPE** 8 x 20 monocular from us only \$59.95*

• The optics of jomirascope are 8x20 – 8x magnification with 20 mm objective lens. It comes in a neat zippered carrying case. The objective lens can be used as an 8x magnifier. A 25x microscope attachment (\$29.95, 3 for \$59.90) is also available.



JOMIRASCOPE is so small that it fits unobtrusively in a man's coat pocket or a lady's purse. Yet it packs a tremendous wallop in its tiny body. Its 8 x 20 fully prismatic and hard-coated optics give you 8x magnification, with a remarkable field of 430 ft. at 1,000 yds. Its 20 mm objective lens affords unusual light gathering even at dusk or dawn. What was that rustling in the bushes? With JOMIRASCOPE you'll discover that it was an ivory-billed woodpecker. Do you wish to explore every feature on the moon. JOMIRASCOPE will be your instrument of choice. Much smaller than even "pocket" binoculars and with greater magnification than most, JOMIRASCOPE should be your constant companion. And do consider the 25x microscope attachment of laboratory quality, which makes JOMIRASCOPE a complete optical system.

**An incomparable timepiece,
an incomparable value...**

RADIO-CONTROLLED CLOCK Only \$59.95*

• The sleek styling of R-C Clock makes it an adornment for any home or office. It works on one (included) AA-battery and is ready to go when you get it.



This beautiful clock is clad in brushed aluminum. Its sleek design makes it an adornment for any home or office. It measures 5-1/4" x 4" and can be set on your desk or hung on a wall. Time is displayed in inch-high digits. In addition to the time (hours, minutes, seconds), you also get the date, the day of the week, and the temperature in F (or in C). There is a melodious but insistent alarm, complete with snooze button for those extra winks. The clock is controlled by a radio signal emitted by a U.S. government department; that ensures up-to-the-second accuracy.

RADIO-CONTROLLED CLOCK works on one AA-battery (included, of course). It's ready to go when you get it. You don't even have to set it – it sets itself.

jomira

division of jomira/advance

470 3rd St., #211, San Francisco, CA 94107

*** And here is our "special deal": You may buy any three of these items -- mixed or matched -- for the price of two. The least expensive item is on the house -- absolutely FREE!**

You may order by toll-free phone, by mail, or by fax and pay by check or AMEX/Visa/MasterCard. Please give order code shown. Add \$6.95 for ship./ins. for one and \$9.90 for three items, except one JomiraZooms or one Adm. Farragut's Telescope is \$9.90 and any three items containing one or more JomiraZooms or Adm. Farragut's Telescopes is \$12.95. – plus sales tax for CA delivery. You have 30-day refund and one-year warranty. We do not refund postage.

For customer service or wholesale information, please call (415) 356-7801.

We ship the same day we receive your order. Please give order code Z271!

**Order by toll-free phone: 1-800/600-2777, or (fastest!) by fax: 1-415/356-7804.
Visit our website at www.jomira.com**

WASTE OUR NATURAL RESOURCES

© 2010 CREDO



CREDO[™]
mobile

more than a network.
a movement.

WHAT DOES YOUR CELL PHONE STAND FOR?

Well, if you're with AT&T, it stands for Bush-era policies. As a two-time maximum donor to Bush, AT&T made its position clear. At CREDO Mobile, we stand for the opposite. Our members have generated over \$65 million for groups such as the Sierra Club and Planned Parenthood, and lobbied to prevent harmful drilling in the Arctic Refuge.

NATION READERS RECEIVE 10% OFF FOR 2 YEARS

10% off your monthly service fees for two years — plus a free camera phone and free contract buyout* — when you switch to a phone company that speaks out on the environment.

CALL OR CLICK: 888.264.6070 or credomobile.com/nation

Special offer code 500516. Offer expires 6/30/10.

*All with two-year CREDO Mobile service agreement. Offer subject to credit qualification. Contract buyout: CREDO Mobile will credit your account (up to \$200) 30 days after receiving a copy of your carrier's termination fee charges; details to follow by mail. Offer only available to new CREDO Mobile customers. AT&T is a registered trademark of AT&T Intellectual Property and is not associated with CREDO.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED